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ADDRESSES

AT

THE UNVEILING OF THE BUST

OF

WILLIAM A. GRAHAM

JANUARY 12, 1910

BUST OF WILLIAM A. GRAHAM

ADDRESSES

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THE UNVEILING OF THE BUST

OF

WILLIAM A. GRAHAM

BY THE

NORTH CAROLINA HISTORICAL COMMISSION

IN

THE ROTUNDA OF THE STATE CAPITOL

Delivered in the Hall of the House of Representatives, January 12, 1910

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The spirit of a people is the history of a people impersonated in the life of a people. If there is no history of a people, there is no spirit of a people.—THOMAS W. MASON.

The North Carolina Historical Commission

J. BRYAN GRIMES, Chairman
RALEIGH

W. J. PEELE, Raleigh
D. H. HILL, Raleigh
M. C. S. NOBLE, Chapel Hill
THOMAS W. BLOUNT, Roper

R. D. W. CONNOR, Secretary
RALEIGH

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THE GRAHAM BUST

In the rotunda of the Capitol of North Carolina are eight niches, designed to hold the busts and statues of eight of the eminent sons of the State. Completed nearly three-quarters of a century ago, these niches remained empty until 1910, silently protesting against the failure of the State to perform one of her highest and most important duties, the preservation of the memories of the founders and builders of the Commonwealth.

Convinced that the State was unconsciously doing herself a serious injustice by her negligence, the North Carolina Historical Commission, charged with the duty of preserving the history of the State, on October 23, 1907, adopted the following resolution:

"Resolved, That the sum of one thousand dollars be set aside out of the funds of the Commission, to be expended for a marble bust of William A. Graham, to be set up in one of the niches in the rotunda of the State Capitol, and that the Secretary be instructed to have the bust executed in the best manner by some reputable sculptor, as soon as possible."

In accordance with this resolution a contract was made with Mr. Frederick W. Ruckstuhl, of New York, who executed the bust and delivered it to the North Carolina Historical Commission in December, 1909. Upon the invitation of the Historical Commission, Messrs. Frank Nash and Thomas W. Mason consented to deliver addresses upon the occasion of the unveiling. On the evening of January 12, 1910, in the Hall of the House of Representatives, in the presence of the Governor of North Carolina, the members of the State Historical Commission, the members of the Graham family, the Grand Lodge of Masons of North Carolina, and a large audience, the bust was set up in the northwestern niche of the rotunda on the first floor of the Capitol, and unveiled by Master William A. Graham, Junior, the Fourth. The ceremonies of the occasion consisted in the delivery of the addresses printed in this bulletin.

INTRODUCTORY ADDRESS

BY J. BRYAN GRIMES

Chairman of the North Carolina Historical Commission

Ladies and Gentlemen:

North Carolinians have been careless in preserving their history, and that we have been neglected, and in some cases have been misrepresented by historians of the country, has been largely our own fault. We must remember that to receive proper credits we must keep our own accounts. We have been lacking in self-appreciation and wanting in a proper State pride, which is to some extent due to the fact that we were ignorant of the accomplishments and heroic deeds of our own people.

The North Carolina Historical Commission is collecting from every available source data and records pertaining to the history of North Carolina, and stimulating and encouraging historical investigation and research in every way in its power, and now our history is being more thoroughly studied and written than ever before. The State Historical Commission believes that one of the most powerful stimulants in arousing State pride and proper appreciation of our own great men is to be found, not merely in recording their great deeds, but also in preserving their forms and features in marble and in bronze. Inaugurating this movement, therefore, the State Historical Commission will unveil this evening a marble bust of one of the greatest of Carolinians—William A. Graham.

Accordingly the Commission has invited a scholar and historian, Mr. Frank Nash, to address you upon the life and services of Governor Graham, and Capt. Thomas W. Mason, who, as soldier, statesman and orator, is known and beloved by all North Carolinians, to speak upon the "Value of Historical Memorials Among a Democratic People."

WILLIAM ALEXANDER GRAHAM

BY FRANK NASH

INTRODUCTION

"Office is the most natural and proper sphere of a public man's ambition, as that in which he can most freely use his powers for the common good of his country."—*Lord Palmerston.*

In recent years it has been the endeavor of some writers to strain the facts of history a little in order that North Carolina may appear to have been first in some great political, or other, movement. This not only makes our State motto an hypocrisy, but it has no sound moral basis, is untrue in fact, and is foolish from the standpoint of philosophy. That she was first at Bethel was an accident; that she was farthest at Gettysburg and last at Appomattox, means daring, but steady, courage and staunch unfailing fidelity. Indeed the things in which she was last have done her more credit than those in which she was first. I do not like to think of her as a meretricious, volatile, impulsive figure, but as a noble, steadfast one, unadorned (certainly by gewgaws and jimcracks), and like the Mother of the Gracchi pointing to her sons as her jewels. Certainly she has a right to be proud of them, for, at no time from the days of Glasgow to the days of the Carpetbagger and from the days of the Carpetbagger to the present, did any of these sons prey upon her. Peculation and fraud in public life may have existed elsewhere, but not in North Carolina.

In this paper I try to depict one of those sons as the most prominent figure amid the scenes in which he lived and worked, and in the company of those who lived and worked with him. I want, too, to show what he was and what he stood for, as well as what he did, for it is not so much the material as it is the spiritual, that gives to men real power and renders them immortal. Not that activity and energy

are to be contemned, far from it—slothful in business can never be predicated of the truly great and good—but because it is the subtle and silent, but pervading, influence of character, only, that gives action, force and efficiency for good.

The story of William A. Graham's life is well worth the telling for what he did, but much more for what he was. The writer is very conscious that it has not been told adequately in the following pages. The final word about him can not be said until his literary remains are collected and published with his correspondence.

HIS ANTECEDENTS

William A. Graham was no less fortunate in the race from which he sprang than in his immediate ancestry. The Scotch Presbyterians, located in Ireland by James I, and the English by Cromwell, made that composite race which has been for some time known to history as the Scotch-Irish. During three or four generations they lived in Ireland among a people hostile in faith and differing in language, in ideals, in aims and in temperament. The Saxon was the representative of a stern, unyielding, but essentially uplifting Calvinism, while the Celt was the representative of all the superstition and ignorance of an unenlightened Romanism. The one had a faith so clear, so earnest, so vital that, in his worship he discarded nearly all symbol, while the other's faith was so obscured by false conceptions that only a sensuous and symbolic worship could appeal to his inferior nature; the one, even in his superstitions, dealing only with things supernal, while the other made to himself graven images, likenesses of things in heaven above and in the earth beneath, and bowed down to them and worshiped them; the one industrious and thrifty, doing with all his might what his hands found to do, the other thriftless, industrious only by fits and starts, content, in the midst of degrading poverty, to live among swine and fowls; the one sensitive about his rights, and ready in the fear of God to defend them with a calm, cool, unflinching

courage; the other, a serf to his lord, a child to his priest, a willing servant to his friend and a savage to his foe, his emotions a sensitive harp that responded to every wind of passion.[1]

What wonder that the contact of two such races should result only in an antagonism which manifested itself, on occasions, in murders, in riots and in relentless warfare! But all this was to the Saxon a tonic, stimulating his intellectual, moral and physical development, making him the bolder, the more watchful, the more self-reliant. He was a minority of the people of Ireland, but it was a militant and dominant minority. So little brought in contact with the English government was he, that he was fast becoming republican in his political ideals. Kings and governors were kings and governors to him only so long as they obeyed the laws and were faithful to the rights of the people. Otherwise he cared nothing for them. His liberty consisted in laws made by the consent of the people, and the due execution of those laws. He was free not from the law but by the law. So these English and Scotch Protestants in Ireland, these Saxons in Celt land, were, in their dealings with the Irish unconsciously fitting themselves for their greater work in America. It was, so to say, a forty years sojourn in the wilderness in preparation for the land of Canaan, and they entered that land strong in the holy confidence that, "the Lord, He it is that doth go before thee; He will be with thee; He will not fail thee, neither forsake thee; fear not, neither be dismayed."

Of this sturdy and virile race was James Graham, who at the age of nineteen years, in 1733, migrated from County Down, Ireland, to Berks County, Pennsylvania. He was twice married, his second wife being the widow Mary Barber, and died in 1763. By the last marriage there were five children. In 1768 Mrs. Graham, with her children, coming by sea to Charleston, S. C., thence across country, located in Mecklenburg County, N. C. In 1771 she purchased a tract

[1] It must be remembered that the Irish of the 17th century had only reached a stage of racial development, through which their Saxon foes had passed 200 years before. So this parallel has to do only with such developments, and not at all with racial capabilities.

of land containing two hundred acres within three miles of the then little hamlet of Charlotte. Most of these Scotch-Irish, and there were many of them, migrated from Pennsylvania south in search of fertile lands in a milder climate. It is probable that this was Mrs. Graham's motive, induced thereto also by the fact that many of her neighbors and friends had preceded her. She must have been a woman of remarkable courage and strength of character to undertake this long, tedious and dangerous journey with six young children, the youngest scarcely more than four years of age. No doubt she selected the actual location with a view to the religious and educational privileges convenient to it. John Frohock, Abraham Alexander and Thomas Polk had already laid off the town of Charlotte into 360 half-acre lots, and on some of these good, habitable houses had been erected. Eighty lots had been sold and must be built upon within three years, under pain of forfeiture.[1] So with the court-house, prison and stocks there, with tradesmen and artisans plying their trades, and lawyers locating to practice their profession, Charlotte at the time of its incorporation, November, 1768, must have been attracting some attention as a place with a future. Many of the settlements about the county, too, were fertile, fruitful, well tended farms. The rule, however, was here, as it was in all these Scotch-Irish communities, the man to the plow, the woman to the distaff and the child to the school. Mrs. Graham, though of limited means, after giving her children such instruction as she was capable of doing, sent most of them to the best school in this section, Queen's Museum, afterwards Liberty Hall. She instilled into all of them a love for learning and a desire to acquire knowledge. Her sons were among the most prominent men of their time, and probably came into public notice at an earlier age than any other youths of the county. Her daughters were the heads of families whose descendants are known for their virtue and intelligence, and have ever been prominent in the communi-

[1] State Records of North Carolina, XXIII, 772-3.

ties in which they lived on account of their worth and public spirit. She was, herself a faithful Presbyterian, member of Sugar Creek church, and her children were noted not only for their intelligence and activity in worldly matters, but were also earnest supporters of morality and religion.[1]

Her third son, Joseph Graham, was born in Chester County, Pennsylvania, October 13th, 1759. He assisted in cultivating his mother's farm and attended school in Charlotte. He was distinguished among his fellow-students for talents, industry and manly bearing. The mere schooling, though, was not the most valuable training that he had at that period. In the political ferment of the time, 1768-1776, the minds of men were expanding. At every church gathering, at every county court, they discussed the power of parliament, the rights of the colonies, and how best to preserve those rights. These discussions were going on throughout all the colonies, making every intelligent man a politician, and causing the patriots in the face of threatened danger to draw closer together in sympathy, thus paving the way for future organization. Patrick Henry, in Virginia, was but giving eloquent utterance to the aspirations and hopes and ambitions of the people, unexpressed, or inadequately expressed, by themselves. He was, in other words, but the mouthpiece of, and interpreter for, the people. The intelligent boy or youth, standing about in these crowds listening to these discussions among his elders, was having his own ideas enlarged, his patriotism aroused and his mind trained for his future work. Joseph Graham was interested in all these discussions and attended many of these public meetings. He, as a boy in the 16th year of his age, was present at the adoption of the Mecklenburg Resolves of May, 1775. Fifty-five years later he gives an account of this meeting and testifies that it was held on May 20th. At this distance of time, without any contemporary record to verify his memory, there are errors in his statement which subsequently-discovered records

[1] Graham: Revolutionary Papers of General Joseph Graham, 16.

show. In several instances, he mistakes the time of events that he undertakes to narrate, but he and others have so completely identified May 20th as the date upon which some resolutions were adopted, that, in the absence of better evidence we may assume that a meeting was held on that day, in order to take some action upon the news of the Battle of Lexington, which, we know, arrived that week, the 20th occurring on Saturday. And it makes no difference whether they met on Friday the 19th and continued the meeting over until 2 a. m. of the 20th, or met on Saturday morning the 20th, so far as the essential fact is concerned, that a meeting was held at that time and that certain resolutions were adopted. Confining the issue to this essential fact, I have seen nothing that contradicts the testimony of the many eye-witnesses on that point. We can imagine the excitement and anger among these descendants of the bold defenders of Londonderry and Enniskillen at the news of Lexington, how they would hold a public meeting as soon as the crowd could gather, how in the anger and excitement of the moment they should adopt resolutions, which on calm second thought they would realize were premature and unwise. That there were two meetings, at least, is perfectly apparent from the fact that the papers of which J. McKnitt Alexander had the custody were resolutions adopted at a public meeting of which he was secretary, whereas those of the 31st were adopted at a committee meeting, Ephraim Brevard being the secretary of that committee. The resolutions of the 31st, too, necessarily presupposes a previous meeting, or meetings. They are not the product of a day or of a week. They were not devised by one mind or written by one hand. They show calm deliberation, and not emotional excitement or sudden anger, such as that provoked by news of the Battle of Lexington. It seems to me, with deference, that the modern historians have taken issue on immaterial facts and have obtained a verdict on those issues alone. Captain Jack did not take the resolutions of the 20th to Philadelphia; he did

take those of the 31st. Admitted, because proven. Governor Martin sent those of the 31st, and not those of the 20th, to London. Admitted, because proven. There was no contemporary record, or allusion to those of the 20th; there were both to those of the 31st. True, also, so far as discovered. The resolutions written down from memory by J. McKnitt Alexander in 1800, show in their verbiage the influence of the Declaration of July 4th, 1776. This, too, is probably true. We have been mistaken heretofore in regard to these matters, it is true, yet after all, none of them is essential to the determination of the true issue—was there a meeting held on the 20th with resolutions which amounted to a Declaration of Independence adopted? And to this there are a cloud of witnesses. The writer, when not more than half as old as was General Graham at this time, was told of General Lee's surrender by a lady, while we were near an osage orange hedge, and while she was talking a raccoon came from under the hedge. If he should live a thousand years he will never forget the fact of the coon, the expression of his countenance, and his connection with General Lee's surrender. Now, the news of the Battle of Lexington was to Joseph Graham what this coon was to myself—a fact indelibly engraved upon his memory. It seems, therefore, reasonably certain, though there are many conflicts in the testimony of the various witnesses, that the resolutions of the 20th were real, but having been adopted in a moment of anger and excitement, the sober sense of the people prevailed in those of the 31st, and the latter were published, while the former were permitted to slumber undisturbed, in the possession of Alexander, as a folly to be regretted rather than a matter of supreme importance.

It was amid scenes such as these, among men such as these, that young Graham worked and studied and thought, his character under the control and guidance of a wise mother, developing into an almost perfect type of the noble race to which he belonged—bold, self-reliant, earnest, God-fearing.

He was eighteen years of age when he took up arms for his country and fought valiantly, successfully and faithfully, until his services were no longer needed. He was just twenty-two years of age at the close of the Revolutionary War. "He entered the army as a private, passed through the grades of orderly sergeant, quartermaster sergeant, quartermaster, adjutant, captain, and major. * * * He commanded in fifteen engagements with wisdom, calmness, courage and success to a degree perhaps surpassed by no other officer of the same rank. Hundreds who served under his command have testified to the upright, faithful, prudent and undaunted manner in which he discharged the duties of his responsible stations. Never was he known to shrink from any toil, however painful, or quail before any dangers, however threatening, or avoid any privation or sacrifice which might promote his country's cause."[1]

The very qualities that made him successful as a soldier—courage, alertness, intelligence—made him successful in civil life, as legislator, as member of two Constitutional Conventions, as iron miner and founder. I may not pause over the stirring incidents of the military service of this excellent man and soldier, nor can I tell more fully of his great usefulness to church and state in the quieter walks of his civil career. Suffice it to say that he loved and served his state and church faithfully and well, that in all that concerned their welfare, he was not only interested, but active, not only intelligent but wise. "His life was a bright and illustrious pattern of domestic, social and public virtues. Modest, amiable, upright and pious, he lived a noble ornament to his country, a faithful friend to the church and a rich blessing to his family." In 1787 he married Miss Isabella Davidson, a daughter of Maj. John Davidson, and of a family distinguished alike for intelligence and patriotism. It was in consequence of this marriage, that, forming a business connection with his father-in-law, he moved to Lincoln County in 1792, and became an iron founder

[1] Revolutionary papers of General Joseph Graham.

and monger. Mrs. Graham is said to have been the most beautiful of Major Davidson's handsome daughters, and her character corresponded in loveliness and goodness to her personal appearance. It was from her that the subject of this sketch derived so much of the manly beauty that was one of his distinguishing characteristics during his long life. At the residence of his father near Vesuvius Furnace in Lincoln County, he was born, September 5th, 1804.

CHILDHOOD, YOUTH AND YOUNG MANHOOD

William Alexander Graham was the eleventh child and youngest son of General Joseph Graham and Isabella Davidson Graham, his wife. Mrs. Graham died January 15th, 1808. The eldest sister, Sophia, who afterwards married Dr. John Witherspoon, of South Carolina, but was then only seventeen years of age, assumed the care of the younger children of the family. She performed the duties with faithfulness, consideration and affection. She was regarded as a typical older sister and daughter and was remembered with great love and pleasure by those to whom she had given her attention and love. Young William was, too, an object of especial solicitude and care to his father. He made him his companion by day and by night, and instilled into him lessons of virtue, piety and patriotism. This constant association with so excellent a man and so good a Christian as General Graham was one of the strongest influences in shaping the boy's life. For years he lived the happy, free life of the country boy in a household where there was competence if not wealth. When he was older he was sent to a neighborhood school, very much against his will, for he hid under a bed and had to be dragged out by the heels. There he acquired the rudiments of learning. His first school away from home was in Mecklenburg County, where he lived with his mother's brother, Mr. Robin Davidson. The schoolhouse being three miles distant, he rode to it on horseback, generally accompanied by James W. Osborne, of Charlotte, who, being the younger, rode behind. His uncle became

very fond of the motherless lad, and the boy reciprocated so heartily, that he later named one of his sons for this uncle. From this country school he was sent to the Pleasant Retreat Academy at Lincolnton, of which his father was one of the trustees. His room-mate was his cousin, Theodore W. Brevard, who afterwards became distinguished in the State of Florida, where he held several important offices. Next he was sent to the classical school of the Rev. Dr. Muchat at Statesville. He was noted for his industry, his thirst for knowledge and his aptitude to learn. One who knew him well, (Rev. Dr. R. H. Morrison), testified that from his childhood he was no less remarkable for his high sense of honor and truth, than for his exemption from the levities and vices common to youth. At this academy he applied himself to his studies with the most exemplary diligence. Judge Brevard, a classmate, said of him: "He was the only boy I ever knew, who would spend his Saturdays in reviewing the studies of the week."[1] This habit he kept up, too, during his subsequent school and college course. When he was fourteen or fifteen years of age, he, for a time, probably during a vacation, superintended, on the advice of his brother John, Spring Hill forge. General Graham was much pleased with his work in this capacity, saying that it was one of the most successful seasons in the history of the works. His final preparation for college was obtained at the Hillsboro Academy, an uncommonly good classical school. The Rev. John Witherspoon had the general supervision of this school, but the active teacher was Mr. John Rogers, who had distinguished himself in his profession at Wilmington. President Caldwell induced them to agree that their institution should be preparatory to the University. Members of the faculty could participate in the periodical examinations of the pupils, and those passing the examinations of the highest classes had a right to enter the University on certificate of the fact.[2]

[1] McGehee: Memorial Oration on Life and Services of William A. Graham.
[2] Battle: History of the University of North Carolina, 283.

Mr. Rogers had been educated for the Catholic priesthood, and for accurate scholarship and capacity as a teacher, had few superiors.[1]

Young Graham matriculated at the University in the summer of 1820. Says Mr. McGehee in his very admirable memorial oration:[2] "His course throughout his college life was admirable in every way. He appreciated the scheme of study there established, not only as the best discipline of the intellect, but as the best foundation for knowledge in its widest sense. He mastered his lessons so perfectly, that each lesson became a permanent addition to his stock of knowledge. The professors rarely failed to testify by a smile, or some other token, their approval of his efficiency. On one occasion a professor (Olmstead), who has attained a world-wide reputation in the field of science, remarked to one of young Graham's classmates (John W. Norwood) that his lecture on chemistry came back as perfectly from Mr. Graham as he had uttered it on the previous day. Some thirty years after, the same professor in a letter to Mr. Graham, (then Secretary of the Navy) says: "It has often been a source of pleasing reflection to me, that I have been permitted to bear some part in fitting you, in early life, for that elevated post of honor and usefulness to which Providence has conducted you."

His high sense of duty was manifested in his conscientious deportment under the peculiar form of government to which he was then subject. His observance of every law and usage of the college was punctilious, while to the faculty he was ever scrupulously and conspicuously respectful.

His extraordinary proficiency was purchased by no laborious drudgery. The secret of it was to be found in the precept which he acted upon through life—"whatsoever thy hand findeth to do, do it with thy might." His powers of concentration were great, his perceptions quick, his memory pow-

[1] McGehee: Memorial Oration. [2] Pages 8-9.

erful, prompt and assiduously improved. By the joint force of such faculties, he could accomplish much in little time. Hence, notwithstanding his exemplary attention to his college duties, he devoted much time to general reading. He participated regularly in the debates and other exercises of the Literary Society. For all such he prepared himself with care; and it is asserted upon the authority of Mr. John W. Norwood—a most competent judge—that his compositions were of such excellence that, in a literary point of view, they would have challenged comparison with anything done by him in after life.

His engaging manners brought him into pleasant relations with all his fellow students. He lived with them upon terms of the frankest and most familiar intercourse. In their most athletic sports he never participated, but he was a pleased spectator, and evinced by his manner a hearty sympathy with their enjoyments. His favorite exercise was walking, and those who knew him well will recollect that this continued to be his favorite recreation while health was spared him. With friends and chosen companions he was cordial and easy, and always the life of the circle when met together.

He graduated in the class of 1824, he being one of the four first honor men, the others being Thomas Dews, afterwards a very able lawyer, but dying early, Matthias Evans Manly, afterwards state senator, judge of the Superior and Supreme Courts, elected United States Senator in 1866, but not allowed to take his seat, and Edwin D. Sims of Virginia, afterwards tutor in the University, and professor in Randolph-Macon College and in the University of Alabama. To young Graham was assigned the classical oration. It has been the privilege of the writer to see this. It is a pleasant and orderly resumé of the history of the preservation of the classics, and an argument for their continued usefulness in the training of the mind and their giving breadth to one's culture. His style at that early period had not become individ-

ualistic, but was rather a reflection of his own training at the University, so was a little stiff and formal. Other noted graduates of 1824 were Daniel B. Baker, judge of the Superior Court of Florida; John Bragg, member of Congress and judge of the Superior Court of Alabama; James W. Bryan, strong lawyer, trustee of the University and state senator from Craven; A. J. DeRosset, physician and merchant of Wilmington, treasurer of the Dioceses of North and East Carolina and often deputy to the general conventions of the Episcopal Church; Augustus Moore, judge of the Superior Court; John W. Norwood, able lawyer, member of the legislature and senator from Orange; David Outlaw, member of Congress, state solicitor, state senator and delegate to the convention of 1836, and Bromfield L. Ridley, chancellor of Tennesee.[1]

After his graduation he visited his sister, Mrs. Witherspoon, at Lexington, Ky., and while there he made the acquaintance of John J. Crittenden, and had an opportunity to hear him in a great slander case.

On his return from this tour he began the study of law in the office of Judge Ruffin at Hillsboro. The opinion of Judge Ruffin as to the proper course to be pursued with a student of law was somewhat peculiar. He held that he should have little assistance beyond that of having his course of studies prescribed. He must, as it were, scale the height alone, by his own strength and courage; availing himself of a guide only at points otherwise inaccessible. Young Graham's brother, James Graham, in a letter written at this period, made mention of this opinion, and urged him to adopt the expedient resorted to by himself: "When he would not examine me I took the liberty of questioning him very frequently, and by drawing him into conversation on legal subjects, my own ideas were rendered more clear, correct and lasting."[2]

We may be sure that the contact of two such minds—the

[1] Battle: History of University, 296. [2] McGehee, 10 and 12.

one young, ardent and acquisitive—the other mature and vigorous, the mind of a master in his particular calling, could result only in good to the younger, whatever the method of instruction might be. As a matter of fact young Graham came to the bar remarkably well prepared. The points he made were substantial and well sustained, and six years afterwards he was in the full tide of a successful practice. He obtained his county court license at the December term, 1826, of the Supreme Court, and was sworn in before the county court at Hillsboro in February, 1827. His first litigated case in that court was at the August term, 1827, Charles Allison v. Samuel Madden, Judge Nash, who had recently resigned from the Superior Court bench, appearing with him for the plaintiff.[1] At the ensuing November term he had two other cases on the trial docket, and three on the appearance. He obtained his Superior Court license at the December term, 1827, of the Supreme Court, and took the oaths at the March term, 1828, of the Superior Court of Orange County. His first litigated case was at the same term of that court—Doe and John Dunn, executor of William Keeling, v. James Keeling; A. D. Murphey and Wiley P. Mangum for plaintiff, and Frederick Nash and W. A. Graham for the defendant.[2] His first case of importance in the Superior Court," says Mr. McGehee, "was one which from peculiar causes, excited great local interest. It involved an intricate question of title to land. On the day of trial, the court-room was crowded and the bar fully occupied by lawyers—many of them men of the highest professional eminence. When he came to address the jury, he spoke with modesty, but with ease and self-possession. His preparation of the case had been thorough, and the argument which he delivered is described as admirable, both as to matter and manner. When he closed, the Hon. William H. Haywood, who had then risen to a high position at the bar, turned to

[1] County Court Records. [2] Superior Court Records.

a distinguished gentleman, still living, of the same profession, and inquired who had prepared the argument which Mr. Graham had delivered so handsomely. The answer was, 'It is all his own,' to which Mr. Haywood replied, 'William Gaston could have done it no better.' "

At the time he determined to locate at Hillsboro, young Graham had already spent several years there; first, as a student at the Hillsboro Academy; second, as a student of law under Judge Ruffin, and third, as practitioner in the county court. It was centrally located, convenient to the State capital. It was the county seat of a large county, with a population of about 25,000, and there was much litigation. It was then, as it had always been, the foster mother of great men. There was no town in the State that contained so much that was best of the public life of the State, though it had then only about four hundred white inhabitants. There was Murphey, perhaps the greatest genius in its history; Ruffin, the greatest lawyer and judge; Mangum, one of its greatest popular orators and statesmen; Norwood, the elder, able lawyer, and upright judge; Nash, whose excellencies as an advocate, said Mr. Abraham W. Venable, were equaled by few and surpassed by none, attaining later the highest honors of his profession; Dr. James Webb, distinguished physician and business man, and others too numerous to mention, while Duncan Cameron, George E. Badger, William H. Haywood and Bartlett Yancey, were intimately associated with the place. Among men of his own age, were Richard S. Clinton, Dr. Edmund Strudwick and John W. Norwood, his college- and classmate. The pastor of the Presbyterian Church at that time was the Rev. John Witherspoon, grandson of the signer, an able man, and, though unequal, on occasion eloquent. He was afterwards moderator of the Presbyterian General Assembly. The rector of the Episcopal Church was the Rev. William M. Green, afterwards Bishop of Mississippi and chancellor of the University of the South. Mr. Dennis Heartt was successfully editing and publishing the *Hillsboro*

Recorder. The social advantages of the place, too, were very great. It was full of cultivated men and women, none very wealthy, but all having an abundance of the comforts of life and many of its luxuries, and they were hospitable without stint. This society, though somewhat formal, was wholly delightful. Nor was the competition at the bar so stringent as appears on the surface. Judge Norwood was at that time on the Superior Court bench, and so continued until 1836. Judge Ruffin was on the Superior Court bench, resigned that year, 1828, to accept the presidency of the State Bank, and the following year was elevated to the Supreme Court. Judge Mangum was elected to the Superior Court in 1828, and to the United State Senate in 1830. Judge Cameron lived out in the country, and presided occasionally over the county court. Judge Murphey's health was failing, and he died in February, 1832. Of the visiting lawyers, Bartlett Yancey, who did a large business in Orange, died in 1828, and to the United States Senate in 1830. Judge was left, and he returned to the bench in 1836. There is no wonder then that so able a young lawyer as Mr. Graham should locate under these favorable conditions at Hillsboro. Nor is it any wonder that he should be cordially received there, and in a few years should be at the head of its bar, a preeminence which he maintained for forty years. Few young men have commenced the practice of the law with greater natural and acquired qualifications than had he. In him a remarkably handsome and dignified presence was united to the highest character, excellent mental endowments, untiring industry, kind, courteous and elegant, rather genial manners and thorough conscientiousness. He was fully six feet tall, very erect, and had hazel eyes, dark hair and clear-cut features. His action in speaking was easy and graceful, sometimes warming into energy and force when the subject demanded it, and the tones of his voice were mellow, harmonious and well modulated. He was ambitious and self-reliant, so all that was best in him came at his demand.

Success and complete success to such a character was only a matter of time, and one could predict it for him with absolute confidence at the outset of his career.

LEGISLATOR, 1833 TO 1841

Hillsboro, enfranchised by Governor Tryon in 1770, continued to be one of the borough towns of the State under the Constitution of 1776, and until borough representation was abolished by the Convention of 1835. The qualifications for voters in these towns were: First, possession of a freehold in the town, whether the proposed voter was a resident or not; second, freedom, coupled with residence in the town for twelve months, next before and at the day of election, and payment of public taxes. The elections for borough members were annual. Mr. Graham represented Hillsboro the last three years of its existence. At that time there were about 85 qualified voters in the town, and the elections were generally close, and conducted amid great excitement with the free use of intoxicants. Though William Norwood, Thomas Ruffin, John Scott and Frederick Nash had at intervals of time represented it, its member was often some tavern-keeper, or one of the lesser lights of its citizens. At Mr. Graham's first election he was vigorously opposed. He was thereafter, however, elected with little opposition.

At the time he entered public life, North Carolina was on the whole retrograding. Its soil, moderately fertile, yielded remunerative returns only to intelligent and persistent labor. It contained a great variety of minerals; generally enough in a single locality to attract the adventurous prospector, not enough to prevent disappointment to his hopes. There was vast wealth in its forests, but there was little capital to exploit it, and no accessible market for it. Away from the cotton section, in its midland and west, it was a country of small farmers, a majority of whom had their material wants well supplied from the products of their farms, but again there was no adequate market for

any excess. Without this market, there was no hope that they could improve their condition, and without this hope, they toiled on, generation after generation, quite often the laborious father being followed by the shiftless son. In consequence of this occasional retrogression in families, there were whole communities, not numerous, or large in themselves, scattered here and there throughout this section, plague spots upon the body politic, in which the men were without God and without hope in the world, and the women were without decency and quite frequently without virtue—communities, whose fragmentary remains are with us to this day, fast disappearing, thank God, under more hopeful conditions. The opening of the West, too, with its inviting opportunities for the adventurous and bold, was carrying away more and more the brawn and sinew of the State. Those who owned slaves might, year by year and generation after generation, tend their ancestral acres on or within reach of the navigable streams of the East, and live in ease and comfort while they educated their children, but to the small farmer of the West was lacking that contact with the world which brings enlightenment and hope, and stimulates ambition and effort. What wonder then that North Carolina was retrograding and that the pall of ignorance, instead of receding, was extending wider and wider over its people!

It is natural that under such narrow conditions the people themselves should become narrow, and should think that the whole science of government must expend itself on a pennywise pound foolish economy, and that the two great evils in the world were death and taxation. There are two remedies for such a condition that are perfectly obvious to us and were no less obvious to the great men of that period: First, bring the people in contact with the world by opening highways of trade and commerce through their borders; second, place a free school within reach of every child in the State. That was Murphey's program, that was Graham's program, that was the program of nearly all the Whigs of

the period. Some talk nowadays of the ante-bellum aristocracy standing in the way of the people's enlightenment, of their progress. Not so. The aristocrats (if I may use so false a term to designate the better educated class) were the progressives; the reactionaries, with a few exceptions, were the neighborhood political bosses, whose principal stock in trade was an attack upon the kid-gloved aristocracy, as they dubbed the Whigs of the towns. These Whigs, with some notable exceptions, built the railroads of the State. They, again with some notable exceptions, laid the foundations of our public school system. In both these enterprises, Mr. Graham was a leader. His temperament peculiarly fitted him to be a pioneer in this great work. The influence and training of his father, and of Dr. Joseph Caldwell, supplemented by association with Judge Murphey, made internal improvements, the education of the people and the preservation of the history of the State the three great ends that he set himself to secure in his public life. With him it was a calm, set purpose, to be worked out through the means and instrumentalities which the times provided. Those means were small, and the instrumentalities often perverse and blind and stupid, yet with a self-reliance that came from self-knowledge as well as knowledge of the subject, with a self-control that prevented any irritation, he pursued his ends with a placid, but firm persistence, which was not checked by any rebuff nor daunted by any defeat. Throughout his legislative career, during his incumbency of the gubernatorial office, he was constantly stimulating the ambition and State pride of the people by telling them of the great deeds of their sires, constantly in season and out of season, striving to enlighten them by diffusing the blessings of education among them and to arouse them to effort and industry by bringing the highways of commerce to their doors. Early in life he learned the great lesson, that in a democracy, where so many adverse minds are to be convinced, the progress of any great reform is necessarily

slow, that often it is the work of more than one generation, that he and his contemporaries must be content with line upon line and precept upon precept, here a little and there a little, leaving to the future the fruition of their hopes. Very, very, often the ideals and aspirations of the great men of the past have been realized in the everyday life of the commonalty of the present. To them the days that were to come are the wisest witnesses.

In the Legislature of 1833-4 he was placed upon the Judiciary Committee and the Committee on Education.[1] The House of that body was of average ability, its ablest members, David Outlaw, D. M. Barringer, W. H. Battle, Charles B. Shepard, J. R. J. Daniel, James Seawell, Charles Fisher, Daniel W. Courts, and the Speaker, William J. Alexander. It was in session fifty-five days including Sundays, enacted 184 laws, only twenty-four of which were public. Nineteen academies or schools, including the predecessors of Wake Forest College, Guilford College and St. Mary's at Raleigh, two libraries, three gold mining companies, one manufacturing association and twelve railroad companies were incorporated. This indicates the drift of public sentiment at that time. The Bank of the Cape Fear was rechartered, and the Bank of the State of North Carolina, the Merchants Bank of New Bern and the Albemarle Bank of Edenton, were chartered. Mr. Graham was the author of a bill, afterwards enacted into a law, which corrected a gross inequality in the criminal laws as then administered, making one guilty of grand larceny as infamous upon conviction as one convicted of petty larceny.[2] He was on a committee to inquire into the right of Romulus M. Saunders to continue as Attorney-General of the State after having accepted a commissionership from the Federal Government on the French spoliation claims. He wrote the report in favor of Mr. Saunders's right.[3] His argument is based on the wording of the Constitution of 1776—"No person in the State

[1] House Journal, 142. [2] House Journal, 182. [3] House Journal, 252.

shall hold more than one lucrative office at any one time," and also upon the fact that the offices were not inconsistent. The constitutional prohibition seems upon its face to apply only to State offices. Especially is this true when it is remembered that the Federal Government was not in existence when the State Constitution was adopted. The Legislature of 1833-4 adopted the report thus made by Mr. Graham, but that of 1834-5, repudiating that view, passed a joint resolution that the office of Attorney-General had been vacated by Mr. Saunders's acceptance of the Federal Commissionership, and Mr. Saunders, to avoid controversy, but protesting against the accuracy of this legal conclusion, resigned as Attorney-General. Mr. Graham adhered to his opinion and voted against the resolution.

He was sent again as representative from Hillsboro to the Legislature of 1834-5. By that time the demand for an amendment of the Constitution of 1776 had become so insistent that it could no longer be disregarded with safety to the peace and welfare of the State. Mr. Graham supported the convention bill very heartily. During its consideration he voted against the provision allowing the convention to submit the election of governor to the free white vote of the State,[1] though he afterwards voted for the bill with this provision in it. This vote was afterwards remembered to plague him in his canvass with Mr. Hoke for the gubernatorial office in 1844. He explained that he was never opposed to the provision, but voted against it while the House was considering the bill, section by section, because he was informed by Mr. Outlaw of Bertie that the eastern members, without whose vote the bill could not become a law, would not vote for it with that provision in it, so he voted against that to save the bill itself, but afterwards finding that the bill could be passed with that provision in it, he followed what was his inclination all the time by voting for it. To show the attitude of some members of the

[1] House Journal, 1834-5, 220.

House on this provision and others, at first its advocates could muster but thirty-five votes, while there were ninety-four against it.[1] On the proposition to submit the election of Supreme and Superior Court Judges to the popular vote, there were twenty-two ayes to one hundred and three nays.[2] On the proposition to debar lawyers, pleading under a license, from membership in the Legislature, the vote was twenty ayes to one hundred and ten nays.[3] At this session Mr. Graham was again on the Judiciary Committee and was Chairman of the Education Committee. In the latter capacity he made a report January 3, 1835, on the resources of the Literary Fund, and the best means of improving the same, and accompanied the same by a bill to authorize the Literary Board to sell certain portions of the swamp lands belonging to it.[4] This bill passed the House, but failed in the Senate. Mr. Hugh McQueen, of Chatham, at this session also introduced a bill in the Senate, to provide a fund for the establishment of free schools. This passed its first reading, and was then laid on the table. By joint resolution of the General Assembly, however, it was afterwards ordered to be appended to, and published with, the laws of the session. The Literary Fund amounted to about $180,000, with the hope that it would enlarge at the rate of $15,000 or $20,000 per annum, through the sale of swamp lands and the receipt of dividends from investment of its capital. This sum was wholly inadequate to establish any general system of public schools, so the efforts of legislators were directed, for the present, wholly toward increasing it. In the state of public sentiment, they did not dare levy additional taxes. Indeed conditions among the people were so wholly adverse to increased taxation, that a plan that involved such increase would have proven utterly futile.

On December 29, 1834, Mr. Graham was elected by the Legislature a trustee of the University,[5] and he continued

[1] House Journal, 220. [2] Ibid., 221. [3] Ibid., 221.

[4] Coon: Public Education in North Carolina: A Documentary History, 1790-1840, II., 683 et seq.

[5] House Journal, 223.

until his death to be actively interested in all of the affairs of that institution. An interesting political event occurred at this session. Judge Wiley P. Mangum and Bedford Brown were the senators from the State in the Federal Congress. Mangum voted for the resolution of censure on Jackson for removing the deposits, passed March 28, 1834, and refused to vote for Benton's resolution to expunge the censure. The Legislature of 1834-5 was Democratic, or pro-Jackson, and hence opposed to Mangum. It instructed Mangum and Brown to vote for the expunging resolution. While the House was considering these instructions, Mr. Graham delivered a speech of remarkable power against them. He had just passed his thirtieth birthday, yet this speech made him a leader of his party, the Whig, only second to Mr. Mangum in influence and power. It had so great an effect upon his fortunes and is so characteristic, that these alone would justify my giving it in full, if space permitted. It, too, gives a remarkably clear and just view of the conditions as they were in North Carolina at that period, and of the political issues that confronted the people.

Mr. Graham was again member of the House of Commons from Hillsboro in the Legislature of 1835-6. Among the other able members of that Legislature, were Matthias E. Manly, Kenneth Rayner, Thomas L. Clingman and Michael Hoke, the first three being Whigs, and the latter a Democrat. Mr. Graham was his party's candidate for speaker, but was defeated by William H. Haywood, the vote being fifty-four to sixty-eight. He was again on the Committee on Education, and was chairman of the Judiciary Committee. He introduced a bill incorporating the Raleigh and Gaston Railroad, and defended it during all the stages of its enactment into a law against a vigorous opposition. It was the first railroad built in the State. There was much discussion of the division of the proceeds of the sale of public lands by the Federal Government among the states, and a resolution was adopted

[1] House Journal, 97.

by the Legislature that they ought to be so divided, the vote being seventy ayes to fifty-four nays, the division being not along party lines, Mr. Graham voting aye. Judge Martin, having resigned as one of the judges of the Superior Court, Romulus M. Saunders was elected by a vote of ninety-seven to succeed him. On the last ballot Mr. Graham received sixty votes, and the *Register* of November 22, 1835, commenting on this, says: "It is due to Mr. Graham to state, that though strongly solicited, he refused to suffer his name to be put in nomination. Had he consented, he is so deservedly a favorite, that the contest would have been a very doubtful one. Mr. Graham is a young man, and the flattering vote which he received, under the peculiar circumstances of the case, is conclusive evidence of his elevated standing in the State."

The new Constitution, having gone into effect on January 1, 1836, and boroughs having been thus abolished, Mr. Graham was a candidate before the people of Orange County in the summer of 1836, to represent that county in the Legislature of 1836-7. He, for the first time, canvassed the county for internal improvements and for the distribution of the land proceeds. He was triumphantly elected, carrying with him also, two out of the other Whig candidates for the House, Orange being entitled under the new Constitution, to four representatives. He, however, ran one hundred and twenty-one ahead of his ticket.

The House was again Democratic by a small majority; Haywood received sixty votes for speaker and Graham fifty-three.[1] He was on the same standing committees as at the last session, and was again chairman of the Committee on Judiciary.[2] He was also chairman of the Committee on the Revised Statutes, which were then to be enacted into a law, and looked carefully, painstakingly and ably after their progress through the House. He was also chairman of a joint committee of both houses on the funds to be received

[1] House Journal, 243-4. [2] House Journal, 268.

under the Deposit Act of Congress, and as chairman pro tem. of the committee made an able and lucid report upon the disposition of that fund, accompanied by bills to carry the suggestions of the committee into effect.[1] In pursuance of the act for the distribution of the surplus revenue, nearly $28,000,000 were deposited with the states, by three equal payments in January, April and July of 1837. North Carolina's share was $1,433,757.39. The Graham report contemplated an equal division of this fund into two: one, to constitute a fund for common schools, and the other, a fund for internal improvements. It very strongly reprehended the diversion of any portion of this fund to meet ordinary State liabilities. The legislation, however, did not follow this report in its entirety. $100,000 were diverted to the payment of the civil contingent expenses of the State Government, $600,000 were used in purchasing bank stock, $200,000 were appropriated to draining swamp lands, and $533,757.39 purchased stock in the Wilmington and Raleigh Railroad.

The General Assembly of 1835-6 had enacted a law to regulate the mode of passing private acts. After the enactment of this law, the Constitution of 1835 went into effect. A new provision was incorporated therein that the General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law, shall have been given under such directions and in such manner as shall be provided by law. Upon this state of things two questions were submitted by the Assembly of 1836-7 to its Judiciary Committee, of which Mr. Graham was Chairman: First, was the Act of 1835 superseded by the Constitution, which went into effect January 1, 1836, in such way as to render it inoperative upon the present and future assemblies, without its reenactment; second, what is the line of demarkation between public and private acts? Mr. Graham replied to these questions in a

[1] Legislative Documents, 1835-9, No. 15.

very able and luminous report. Except as restricted by the State and Federal constitutions, the authority of the General Assembly to legislate is plenary, and its legislation binds its successors until altered or repealed by them. The Act of 1835 was obnoxious to no provision of the Constitution of 1776, and being in entire accord with the provision of the new Constitution, quoted above, it is still in full force and effect. Upon this point, among other things, he said: "The convention has not only not taken away the power to enact such a law, but virtually ordained that it should be passed. It is supposed that the right to pass it is derived from the amendment, and it could only be passed by a Legislature convened under the new Constitution. It must be observed, however, that the paragraph of the amendment now under discussion, confers no new power on the General Assembly, but forbids the exercise of an old one, except on certain conditions. The legislative power of the General Assembly extends not merely to the present time and events, but may prospectively embrace any future contingencies. The law in question might have provided that in the event of the adoption of the amendments to the Constitution, advertisement of application for private acts should be made for thirty days, much more, when it was authoritatively announced that the amendments had been adopted, might it provide to give them practical operation. A wise lawgiver will endeavor as well to prevent grievances as to administer remedies for them. To have enacted no law in reference to private acts at the last session of the Legislature, would have been to exclude any private bill from consideration for at least the first thirty days of this session. Your committee, therefore, deem the passage of the said act to have been both constitutional and expedient."

In answer to the second question he said: "On the one hand your committee have felt that by a too strict interpretation of the term, private law, much useful legislation might have been prevented at the present session, whilst on

the contrary the salutary operation of this section of the Constitution would be wholly abrogated and annulled, unless the General Assembly shall affix a proper construction to this term, and insist on its enforcement in every instance. It can hardly be supposed that the judiciary branch of the government will have either the disposition or authority to look beyond the enactments of the Legislature, to ascertain whether they were passed with or without legal notice of their introduction. This clause of the amended Constitution is binding therefore only on the conscience of the legislator, and is dependent upon this alone for its observance. Its true meaning is for that reason to be sought with greater diligence and adhered to with more vigor. * * * In some statutes special clauses have been inserted declaring that those statutes shall be held and deemed public acts, but this, as your committee believe, has been properly construed not to change the character of the acts, but merely to determine the manner in which they shall be alleged and proved in courts of justice. Whether a statute be public or private must depend on its nature and object. If those be private, the statute itself can not be public, notwithstanding the declaration of the Legislature to the contrary; nor should the evasion be allowed of inserting provisions of a public kind for the mere purpose of dispensing with the necessity of advertising, where they do not belong to the general scope of the particular bill. The general description of public acts is, that they relate to the interests of the public at large; and private, that they relate to individuals and their interests only. This vague description which pervades all the elementary books and has by many been mistaken as a definition, affords but an uncertain test for discrimination. Your committee believe that the following points are settled by adjudication or by common consent, to wit, that all acts are public:

"1. Which concern all persons generally.

"2. Which affect the sovereign in any of his rights of

sovereignty or property. Hence any act which gives a penalty or fine to the State is, on that account, public.

"3. Which concern the officers of the State, whether civil or military.

"4. Which concern the Legislature.

"5. Which relate to trade in general, or the public highways or navigable rivers.

"And of these some are termed public local acts, and others public general acts, according to their respective spheres of operation. The foregoing summary may not embrace all acts of a public nature, but is supported by authority so far as it extends, and may be useful in drawing the line of distinction. Private acts embrace all those not falling within any of the descriptions aforesaid. An attempt to define them more particularly is unnecessary. Your committee are aware that the precise boundary between public and private acts can not in every instance be determined by the rules here furnished, but they are gratified by the reflection that in a great majority of bills there can be no question as to their character, and in any particular case where difficulty may arise, the foregoing classification may be found useful if not decisive. To the wisdom of the House it will belong to apply them with proper discrimination, in each case in which the application becomes necessary."

I reproduce this long extract, not so much because it is an admirable statement of the legal principles involved, as because it throws light upon the stage of mental development at which he had arrived when he was only thirty-two years of age, and also upon his character. This constant sense of the eternal fitness of things, this assumption that because power is irresponsible, it is the more incumbent upon those who exercise it, to exercise it with the utmost circumspection and caution, characterized all his utterances and actions throughout his whole career.

While on his way to one of his courts, in 1836, he was so injured by an unruly horse, that he was compelled to go

North for treatment in the summer of 1837. Before the accident, it was understood that he or Judge Mangum was to have been the Whig candidate for the Federal House of Representatives. Judge Mangum, however, positively declined, and insisted that Mr. Graham should be nominated, and he was nominated without a dissenting voice. He was absent at the North until a few days before the election. He could make no canvass. Instead he addressed an open letter to the voters of the district, in which he discussed the issues of the day and offered himself as a candidate for their suffrages. Martin Van Buren had been President only a few months, and the country was in the throes of a severe panic, largely induced by the arbitrary measures of his predecessor, General Jackson. Mr. Graham, in this letter, thus rapidly describes conditions as they then were:

"Our public moneys amounting to many million dollars have been paid into banks which are unable or unwilling to repay the government, and much it is feared will never be repaid at all. Bank notes which constitute by far the largest portion of our currency are no longer convertible into specie. Exchanges are destroyed, so that it is difficult, if not impossible, to make remittances from one part of our country to another, to carry on the necessary commerce between it and foreign nations. Many of our merchants and other citizens, both the judicious and prudent as well as the reckless and speculating, have suddenly and unexpectedly, both to themselves and others, become insolvent. Pecuniary confidence between man and man has been greatly abridged, and in many places destroyed. The great staple productions of the country have fallen in price, and agricultural as well as mechanical labor meets with insufficient reward. Our immediate section of the country from its interior position, as well as other causes, is happily exempt in a great measure from the calamities which oppress others; but no section can long escape unless a remedy is speedily applied. Every section is interested in the safe-keeping of the public moneys, the

soundness of the circulating medium, the facilities of domestic trade and the prosperity of our foreign commerce." His remedy was a national bank, such as that which was chartered during the Washington and Madison administrations. "I believe," said he, "that Congress has the constitutional power to establish such bank, and I, at present perceive no measure better calculated to relieve our distresses. I am aware of the danger of moneyed power, and if such a corporation can not be so restricted as to be incapable of wanton injury, either to the public or individuals, it should not be allowed. But the legislative power must be lamentably impotent if it can not fashion the creation of its own hands that it shall be accountable to the law for its conduct and thus prevent its abuses."

And he concludes thus: "It is known to many of you that I did not concur in the election of the present chief magistrate, and should a competitor be presented whom I prefer, I probably shall not do so at the next election. I will endeavor, nevertheless, whether in public or private life, to do justice to his measures, and should deem myself altogether unworthy of your confidence, were I capable of opposing or supporting any measure on account of the sources from which it springs. My first wish is that the country should be well governed, rather that it should be governed by any particular set of men."

The *Raleigh Register* had the following on his candidacy, issue of July 17, 1837: "We do not believe there lives a man who can with truth allege aught against the character of Mr. Graham. We say of our own knowledge, that he is as pure a public man as we ever saw, and if elected, will add greatly to the learning, talent and eloquence of the House of which he is a member." In the issue of July 31, 1837, he is designated as follows: "A man whom even his political foes respect for his acquirements, and honor for the irreproachable purity of his private character."

The *Standard* of July 19, 1837, took a somewhat different view: "In him the bank Whigs and Wall street brokers will have as warm a friend and as ardent a champion as they desire. * * * As to Mr. Graham's private character we know nothing and have heard nothing against it. He is a man of talents, but he can never be great among great men. * * * Though he may be looked upon as estimable as a man, he is dangerous as a politician."

At almost exactly the same time and in England another newspaper writer wrote of Mr. Gladstone: "He is a man of very considerable talent, but has nothing approaching to genius. His abilities are much more the result of an excellent education, and of mature study, than of any prodigality on the part of nature in the distribution of her mental gifts. I have no idea he will ever acquire the reputation of a great statesman.[1]"

Mr. William Montgomery was elected by 191 majority, the only instance in Mr. Graham's long public life in which he was defeated in an election before the people of North Carolina.

He was again a commoner from Orange County in the Legislature of 1838-9, the only Whig elected in that county, all his colleagues being Democrats. The House, however, was Whig, and he was elected speaker over Michael Hoke, the vote being sixty-one to forty-nine. This General Assembly is distinguished by its enactment of the first comprehensive school law. Says Mr. Coon[2]: "Early in the session of the Assembly of 1838-9, Mr. Dockery repeated his resolution relative to the establishment of public schools. H. G. Spruill presented a resolution and a plan which contemplated dividing the counties into school districts and holding an election in each district on the question of school or no school. The district was to be empowered to levy a tax to pay one-half the teacher's salary, the other to be paid out of the income of the

[1] British Senate, Vol. II, 54. [2] Coon: Public Education in N. C., I, xliii.

literary fund. A notable feature of this plan was the suggestion that every district refusing to establish schools should be required to vote on the question every year until they were established. The plan submitted by the Literary Board recommended the division of the State into 1250 districts, estimating the average school population for each district of 108 children between the ages of five and fifteen; the establishment of normal schools after the fashion advocated by President Caldwell some years before; the holding of an election in each county to determine whether it was willing to levy a tax for schools in amount to twice the sum expected from the literary fund; and the appointment of a state superintendent of public schools. It was estimated by the board that the income of the school fund was then about $100,000. This amount, added to $200,000 proposed to be raised by county taxation, would pay the 1250 teachers each a salary of $240 a year. The suggestions of the board were received with considerable interest. Bills to carry out its plans were introduced in the Senate by William W. Cherry, and in the House by Frederick J. Hill. Mr. Cherry's bill did not contemplate establishing schools until another meeting of the Assembly; Mr. Hill's bill provided for their immediate establishment. * * * The net results of the education efforts of the Assembly of 1838-9 was the passage, on January 7, 1839, of a law submitting the question of schools or no schools to a vote of the people of several counties in August, 1839. A favorable vote meant a county tax levy of one dollar for each two dollars to be received from the income of the literary fund. The schools established were to be under the control of five to ten county superintendents; the whole territory of the county was to be divided into no more districts than one for each thirty-six square miles, and the first term of the schools in each district was to be conducted on $20 of county taxation and $40 income from the literary fund."

No member of the Assembly took a more active interest

in the enactment of this law, than did the speaker, Mr. Graham. Four out of the nine sections of the original House bill were in his handwriting, and two of the bills finally adopted by the Conference Committee were also in his handwriting.[1] It is said to have been adapted from the New York law on the same subject.

Mr. Coon very finely says of this act[2]: "While the school law of 1839 was not a very satisfactory measure, it marked the beginning of a new era. Individualism was now gradually to give way to community spirit; selfishness and intolerance, which only desired to be undisturbed, must now needs give place to measures devoted to the welfare and uplift of the people; hatred of taxation for schools must now begin to disappear before the dawning of that wiser policy that no taxation is oppressive which is used in giving equal educational opportunities to all."

Mr. Graham was reelected a member of the House of Commons from Orange in 1840. He was accompanied by two Whig colleagues to, and Mr. Wiley P. Mangum was senator in, the General Assembly of 1840-1. So fair and impartial as speaker was he the preceding session that he was reelected unanimously at this. The meeting of the Legislature was immediately after the triumphant election of Harrison and Tyler. The State, falling in line, had given the Whig ticket a large majority. The Democratic Legislature of 1835-6 had instructed the then senators in Congress, Bedford Brown and Wiley P. Mangum, to vote for Benton's expunging resolution. Mangum, denying the authority of the Legislature to instruct him how to vote, voted against that resolution, and refused to resign. In the campaign of 1836 he and Brown, who took the affirmative of the right of the Legislature to instruct, discussed the matter largely before the people of the State. The General Assembly, elected that year, was Democratic by a very small majority, and Mangum interpreting this as a rebuke of his own course, by the people

[1] Pub. Ed. in N. C., II, 881 and 890. [2] Ibid, I, xlvii.

themselves, resigned and was succeeded by Robert Strange, a Democrat. In 1838-9 conditions were reversed. The Benton resolution was passed by the Senate January 16, 1837, both Brown and Strange voting for it. The General Assembly of 1838-9 was Whig by a substantial majority. Kenneth Rayner, on December 4, 1838, introduced in the House of Commons a series of resolutions that in the aggregate amounted to a condensed but definite statement of the Whig faith, the first resolution containing a simple allegation that the present senators had not truly represented the people of the State in voting for Benton's expunging resolution, and the last, being as follows: "That our senators in Congress will represent the wishes of a majority of the people of the State by voting to carry out the foregoing resolutions." There is no doubt that these resolutions were drawn up at a conference of the Whig leaders, for the *Register,* in its issue of November 26, 1838, said: "That course is not to instruct them as their party instructed Mangum to do a particular act or resign, but to give so decided and unequivocal an expression of the opinions of their constituents, that they can not disregard it, unless they are determined to set at naught the popular will and practically assert their independence of it." So every amendment in the House and in the Senate was voted down, and the resolution passed the former body, without dotting an *i* or crossing a *t,* December 25th, and the latter, December 27, 1838, in each instance by a strict party vote, so far as their essential features were concerned. Senators Brown and Strange, protesting that when positive instructions were given them they would either vote as the General Assembly commanded them, or resign, by a letter to that body, dated December 31, 1838, asked for more authoritative instructions. These the Legislature never gave. Messrs Brown and Strange, still treating these resolutions as an expression of opinion on the part of the Legislature, which did not concern them, refused to resign until June

30, 1840. Their resignations were accompanied by long explanations, the gist of which may be found in the following: "My resignation is not prompted by a belief that the resolutions imposed on me any such obligation, but from an anxious desire to submit my public course to the decision of the people of the State, which would have been done sooner, if an election had sooner intervened." As I have already said, the General Assembly, elected the second Thursday in August, 1840, was Whig by a large majority. These vacancies were to be filled by it at its coming November session. Bedford Brown's term was to expire March 4, 1841, Wiley P. Mangum was elected to fill the unexpired term, and also for a full term commencing at that date. Robert Strange's term was to expire on March 4, 1843, and William A. Graham was, on November 24, 1840, elected to fill this by a vote of ninety-eight for himself and sixty-four for Strange. Both candidates were selected by the Whigs in caucus, out of some five or six names. Mr. Mangum was at the time the leader of the Whig party in the State. By general consent of the Whigs at large he was to be Mr. Brown's successor, and he was unanimously so named by the caucus. It was a very great and unusual honor that the Whigs conferred on so young a man as Mr. Graham to choose him out of five candidates as United States Senator, when he was a resident of the same county as Mr. Mangum. It is, too, the strongest testimony to his ability and his private and public worth. His selection was received with great satisfaction by the Whigs. Said the *Register* of November 27, 1840: "He is a statesman of high order, is a powerful debater, and combined with these qualifications has indefatigable application. His virtues and amiable qualities endear him to all who know him." The Democratic comment, however, was rather caustic, on his age, his lack of experience and his geographical situation.

UNITED STATES SENATOR

It was the second session of the Twenty-sixth Congress that the new senators first attended. Mr. Mangum was sworn in on December 9th, and Mr. Graham, December 10, 1840.[1] That Congress was Democratic, both in the House and in the Senate. The Senate was composed, then, of the ablest men in public life throughout the country. From Alabama there were William R. King and Clement C. Clay; from Delaware, Thomas Clayton; from New Jersey, Samuel L. Southard; from Kentucky, Henry Clay and John J. Crittenden; from Missouri, Thomas Benton; from Georgia, Wilson Lumpkin; from New York, Silas Wright and Nathaniel P. Tallmadge; from Massachusetts, Daniel Webster and John Davis; from South Carolina, John C. Calhoun and William C. Preston; from New Hampshire, Franklin Pierce; from Vermont, Samuel Prentiss, and from Virginia, William H. Roane. Martin Van Buren's term as president was expiring, and his last annual message was a defense of the policy of his administration.[2] Especially did he congratulate the country that in the midst of the very trying conditions which confronted it at the outstart, a panic and the stoppage of specie payments by the banks and the consequent loss of revenue from such a condition, complicated by large expenditures in the removal of the eastern Indians, appropriations for which had already been made, every demand upon it at home or abroad, had been promptly met. "This has been done not only without creating a permanent debt, or resort to additional taxation in any form, but in the midst of a steadily progressing reduction of existing burdens upon the people, leaving still a considerable balance of available funds which will remain in the treasury at the end of the year. * * * The policy of the Federal Government, in extinguishing as rapidly as possible the national debt, and subsequently in resisting every temptation to create a new one, deserves to be regarded in the same favorable light.

[1] Senate Journal, 1840-1, 22. [2] Senate Journal, 6, et seq.

Coming into office the declared enemy of both (a national debt and a national bank), I have earnestly endeavored to prevent a resort to either." Mr. Graham was placed on the Standing Committee on Revolutionary Claims at this session.[1] From that committee, on January 13, 1841, he reported a bill to cause monuments to be erected in honor of Brigadier-Generals Francis Nash and William Davidson, favorably.[2] He accompanied the bill with a special report which was ordered printed. It being his first attendance, and at a short session when the Democrats had a majority, he does not appear to have taken any part in the larger debates, contenting himself with a constant attendance, voting generally with his party.

The Senate of the Twenty-seventh Congress, at the call of the President, met in special session on March 4, 1841. Mr. Webster, having been nominated as Secretary of State by Mr. Harrison, had resigned and was succeeded by Rufus Choate. Levi Woodbury, who had been Secretary of the Treasury under Van Buren, appeared as one of the senators from Vermont. John J. Crittenden, who had been appointed Attorney-General, was succeeded by James T. Morehead. John McPherson Berrien appeared from Georgia, and Richard H. Bayard from Delaware. The leaders of the Democrats were Thomas H. Benton, William R. King, James Buchanan, Silas Wright and Levi Woodbury; of the Whigs, Henry Clay, Thomas Clayton, Samuel Prentiss, William C. Rives and Wiley P. Mangum. The Whigs had a majority of seven. This, however, was merely an executive session to confirm the nominations of the new president, Harrison. The new cabinet was: Daniel Webster, Secretary of State; Thomas Ewing, Secretary of the Treasury; John Bell, Secretary of War; George E. Badger, Secretary of the Navy; John J. Crittenden, Attorney-General, and Caleb Grainger, Postmaster-General—a very able company of counselors. At Mr. Clay's suggestion, President Harrison called the

[1] Senate Journal, 23. [2] Senate Journal, 101.

Twenty-seventh Congress to meet in extra session on May 31, 1841. Unfortunately for the country and fatally for the Whig party, Mr. Harrison died, after a short illness, on April 4, 1841, and was succeeded by John Tyler, the Vice-President, a Democrat, misplaced in the Whig party, to the confusion and dismay of all who wished it well. The extra session began at the time appointed, the House being also Whig by nearly fifty majority. The program of the Whigs as announced by their leader, Mr. Clay, was:[1]

1. The repeal of the sub-treasury law.

2. The incorporation of a bank adapted to the wants of the people.

3. The provision of an adequate revenue (there was a deficit at the time, estimated, of $14,000,000), by the imposition of tariff duties, and a temporary loan.

4. The passage of the necessary appropriations.

5. The prospective distribution of the proceeds of public land sales.

6. Some modification of the banking system of the District of Columbia.

Of the general legislation involved in this program, all was frustrated by the veto of President Tyler, except the repeal of the sub-treasury law and the temporary loan.

The chairmen of the standing committees of the Senate were chosen by the ballot of the senators. Mr. Graham was elected chairman of the Committee on Claims,[2] a very important position for so new and so young a senator. He was also a member of the Committee on Revolutionary Claims,[3] and was appointed a member of a select committee on so much of the President's message as related to a uniform currency, and a suitable fiscal agent, by Mr. Southard, president pro tem. of the Senate.[4] Remembering that one of the greatest evils of the times was the wholly inadequate currency system, this was one of the most important

[1] Senate Journal, 1841, 24. [2] Senate Journal, 18. [3] Senate Journal, 20. [4] Senate Journal, 20.

committees of the Congress, and it was composed of very able senators,—Mr. Clay, chairman; Mr. Choate, Mr. Wright, Mr. Berrien, Mr. King, Mr. Tallmadge, Mr. Bayard, Mr. Graham and Mr. Huntington. As above said, however, all the measures of this committee were made futile by the veto of the President.

At the second session of the Twenty-seventh Congress, Mr. Graham was continued as chairman of the Committee on Claims, but was transferred from the Committee on Revolutionary Claims to that on Pensions.[1] He presided over the Senate as president pro tempore on February 17, 1842.[2] He was appointed second on the special Committee on Retrenchment, on February 28th.[3] On March 31st[4] Mr. Clay retired from the Senate, and was succeeded by his friend and follower, John J. Crittenden, who, with all the rest of the original cabinet except Mr. Webster, had resigned the preceding September. "I want rest," wrote Mr. Clay, "and my private affairs want attention. Nevertheless I would make any personal sacrifice, if by remaining here I could do any good; but my belief is, I can effect nothing, and perhaps my absence may remove an obstacle to something being done by others."

As I have said, the administration of Mr. Van Buren had left to the administration of Mr. Tyler an inheritance of debt, and the compromise tariff measure of 1833, working automatically, had reduced the revenues below the necessary expenses of the government. There was an annually increasing deficit. The special session of 1841 had authorized a temporary loan of $12,000,000, to tide over immediate embarrassments. Coupled with that measure was one requiring the distribution of the proceeds of the sale of public lands among the states, this distribution, however, to be suspended whenever the necessities of the treasury required an increase of the tariff duties above the twenty per cent fixed by the compromise of 1833. To raise the duties above this

[1] Senate Journal, 1841-2, 22. [2] Senate Journal, 173. [3] Senate Journal, 188. [4] Senate Journal, 262.

twenty per cent level was absolutely necessary to secure an adequate revenue for the expenses of the government. Thus any further distribution of these funds among the states could not be made. Indeed such was the condition of the treasury, that Congress was compelled at the ensuing session to extend the loan of 1841 and add $5,000,000 thereto. The Democrats wished to devote the proceeds of the sale of the public lands to the gradual liquidation of this temporary loan. This the Whigs opposed, and, having a majority, defeated. It was while the bill authorizing this loan was pending that Mr. Graham made his first set speech, April 13, 1842. He first shows that during the four years of the Van Buren administration, the expenses of the government exceeded its revenue by $31,000,000; that this deficit was reduced to $5,500,000, by the application of $26,000,000 of extraordinary funds, $17,000,000 of surplus at the beginning of the administration, $9,000,000 of which should have been the fourth installment of the deposit of land proceeds with the states, and $9,000,000 were received from debts due the United States, principally for the sale of its stock in the late Bank of the United States; that they not only diverted this capital to the payment of the ordinary expenses of the government, but they were compelled to borrow $5,500,000 more by the issue of treasury notes to meet their extravagant expenditures, and this legacy of debt they have left to the Tyler administration. "To meet this deficiency, what have we? Instead of surplus, we have debt. Instead of extraordinary means falling in, we have a daily increasing charge of interest. Instead of a tariff of forty per cent, we have one nearly approaching 20 per cent, and that upon little more than half the imports. What then is to be done? * * * Mr. President, our whole duty in this emergency seems to be comprehended in three propositions:

"1. Borrow such sum, upon the best terms we can obtain,

as will relieve our present necessities, and save the public honor from disgrace.

"2. Reduce our expenses to the lowest point which is consistent with an efficient public service.

"3. Levy such duties upon imports as are necessary for an economical administration of the government, and no more."

The Democrats had suggested that the Tyler administration could relieve itself of all its financial difficulties by demanding the return of the $28,000,000 of land proceeds already distributed among the states. Mr. Graham proceeds in a calm, courteous and well-reasoned argument to show that such extraordinary funds were not to be devoted to the ordinary expenses of the government, according to the scheme of the Constitution itself, even if they could surmount the impracticableness and injustice of the scheme of taking back from the states the money which had been so recently deposited with them. "I have said, Mr. President, that the authors of the Constitution did not rely upon the public lands as a means for the ordinary maintenance of government, and, in my humble opinion, to effectuate their design to make this a government of limited powers, confined to comparatively few objects, it ought to be restricted to those modes of supply pointed out in the Constitution. All history will verify the fact, that those nations have been most remarkable for purity and correctness of administration, for the strictest accountability of public agents, and have longest preserved their liberties, who have kept their ruling powers constantly dependent upon the contributions, direct or indirect, annually levied upon the people. As a certain writer has remarked, 'They who would trample on their rights are restrained by the want of their money.' This general truth applies with tenfold force to a government like that of the United States, far distant from the great mass of the people whom it affects, and so complicated in its structure and so diversified in its operations, that, to keep up a minute knowl-

edge of its details of administration, federal politics must be made, to a great extent, an exclusive profession. That period of our history, when peculation and embezzlement were most rife, when the responsibility of public officers was least rigid, when salaries were unregulated and the gains in many offices were almost what their holders desired, and when appropriations were most extravagant, was the period which I have reviewed in the first part of these remarks (Van Buren's administration), when revenue was not redundant but grossly deficient, but there were surpluses and extraordinary means in your coffers, which the administration had nothing to do with, but to expend. Think you, sir, that in any other state of the treasury, a district attorney would have been allowed to receive emoluments greater, by more than one-half, than the salary of the President of the United States—greater according to his own declaration when about to leave office, 'than any citizen of a free republic ought to receive'; that marshals, collectors of customs and postmasters, would have been permitted, like Roman proconsuls, to enrich themselves to immense fortunes out of the offices created for public benefit alone, and oftentimes, by like instances of official abuses—abuses to which no corrective was applied until the third of March, 1841, the very last day of the late administration, when a clause was inserted in the appropriation bill—a kind of bequest to pious uses upon the deathbed repentance, spoken of by the senator from South Carolina (Mr. Preston), restraining the compensation of these functionaries to $6,000 per annum, for the future."

On May 31, 1842, Mr. Mangum was elected president pro tem. of the Senate in the place of Mr. Southard, of New Jersey, who had resigned, thus making a vacancy on the Finance Committee.[1] Mr. Graham was appointed to fill this vacancy.[2] A question about which there was much discussion at this session was the redistricting of the country

[1] Senate Journal, 1841–2, 366. [2] Ibid, 377.

according to the census of 1840. The Democrats were in favor of leaving the matter of electing members of the House of Representatives by districts or by a general ticket to the legislatures of the various states. Mr. Graham was in favor of Congress determining this question for itself and of its requiring the legislatures to lay off contiguous districts containing a certain number (70,680) of voters, thus in effect prohibiting the election of representatives by general ticket. On June 3, 1842, he made a very able speech sustaining this view. He discusses it, first, from the standpoint of expediency and, second, from the standpoint of its constitutionality. In concluding the latter branch of the discussion, he said: "But we are told we have no power to pass this law, because we can not enforce its execution by penal sanctions; and an urgent appeal is made to us by the senator from New Hampshire (Mr. Woodbury) to know whether an armed force or a writ of mandamus is to be sent to the state legislatures to compel them to lay off the districts. No, sir, neither. No one ever conceived the idea of compelling a free legislative assembly to do, or not to do, anything by physical force, or the precept of a court of justice. The crime of omission or commission in their constitutional duty, like that of parenticide among the Athenians, is provided with no legal sanction, but left to the oaths and consciences of men, to an accountability to public opinion, and to that constituency whose rights have been outraged or neglected. The preservation of this government greatly depends on the faithful fulfillment of the duties imposed by the Constitution on the state legislatures. If a majority of them shall fail to elect senators (as one has done), if five or six of those in the largest states shall fail to make regulations for choosing electors of president and vice-president, in conformity to the laws of Congress, the Union would be as effectually dissolved as if we who are sent to the legislative halls of the capitol should obstinately refuse to attend in our places and pass

the laws annually necessary for the support of the government. It is faith, honor, conscience, and not the hangman's whip, on which at last rest the blessings of this noblest human institution which has ever been devised for the security, the welfare and the happiness of man. The duties of the states, under our Constitution, are not to be determined by their liability to punishment, but by the covenants into which they entered by that instrument."

At this session of Congress a tariff bill was passed.[1] It represented fairly the Whig idea of a tariff, *i. e.* for revenue with incidental protection. The President had already stated his objection to a bill[2] that contained a provision continuing the distribution of the public land sales. Mr. Graham was with the Democrats in nearly all the reductions proposed by them during the consideration of the bill, and voted against it on its third and final reading. He was very earnestly in favor of continuing the distribution of the proceeds of the sale of public lands, and this bill being a surrender to the President on this subject, he could not vote for it without stultifying his own record. Compared with the present it was an exceedingly moderate protection measure, not averaging more than thirty per cent. Moderate, however, as protection was at that period, he, being a southerner, was even more moderate. He said himself in his letter accepting the Whig nomination for governor, December 18, 1843: "I have no hesitation in saying, that whilst I think the government should collect the least amount of money, which may be necessary for an efficient public service, in laying duties to raise such sum, I would incidentally afford protection to American interests, when they were deemed of sufficient importance to deserve it, as well as counteract the effects of restrictive regulations on our trade by foreign nations wherever it should appear expedient to do so. * * * I did not vote for the tariff now existing. Some of its duties were higher than I approved, but in the vacant condition of

[1] Senate Journal, 1841, 251. [2] Ibid, 643.

the treasury, I would not have withheld from it my support had an amendment which I offered, proposing a distribution of the proceeds of the public lands among the states, been incorporated in the bill."

At the third session of the Twenty-seventh Congress, 1842-3, he was again Chairman of the Committee on Claims, second on the Committee on Finance, and second on the Special Committee on Retrenchment.

When it is remembered that Mr. Graham was only thirty-eight years and five months old when his term as United States Senator expired in March, 1843, and consider the influential position he had taken in that august body, we need no stronger evidence of his ability, his faithfulness and his industry. The functions of the chairman of the Committee on Claims, at that time when there was no court of claims, were very much like that of a chancellor presiding over a court of equity. Many important matters were presented to that committee while Mr. Graham was chairman, matters which involved the reading and digesting of a great mass of written evidence, the application of the principles of law and of justice to the case under consideration, and finally the rendering of the written opinion in such form as to carry conviction to the minds of the great lawyers and eminent statesmen, who constituted the body to which the report was made. None of his reports was perfunctory, and some of them show such industrious mastery of detail, such capacity for sifting out the strong from the weak, the true from the false, from a great mass of conflicting, or obscure, or false testimony, such clearness in statement of conclusions of fact and enunciation of legal and constitutional principles applicable to them, that we are convinced he would have made a great chancellor as well as a great senator, if fair opportunity had presented itself.[1]

The Legislature elected in North Carolina, in 1842, was largely Democratic in both branches. Mr. Romulus M.

[1] See his Report, Harris-Farrow Claim, 3 Senate Doc., 27th Con., 3d Session, No. 157.

Saunders and Mr. Bedford Brown, both Democrats, were candidates to succeed Mr. Graham, and divided the votes of that party between them, while the Whigs voted to a man for Mr. Graham. On December 20, 1842, Mr. Graham's name was withdrawn from the ballotting, and the next day Mr. William H. Haywood, Jr., was elected senator. Says the *Raleigh Register* of December 23, 1842: "The elevation of this gentleman over the head of all of the leaders of the genuine Democracy is a strong exhibition of political legerdemain, in which, however, we believe he, himself, had no hand. (As a matter of fact he was not in Raleigh at the time.) * * * At the beginning of the session, Judge Saunders was taken up as a representative of the Calhoun wing of the party, while the Hon. Bedford Brown, being the beau ideal of pure locofocoism, was the nucleus about which the elements of Van Burenism rallied. It was in vain that caucus after caucus was held. The friends of Saunders, regarding his success as a matter of vital importance to Mr. Calhoun, would not give way, though in a minority. On the other hand, many of Brown's friends at an early period declared that they would prefer Mr. Graham to Judge Saunders, and some of them affirmed that in no event could they be brought to the support of any man tainted with nullification."

After Mr. Graham's withdrawal on the 19th, the Whigs had no candidate, but voted, some for Saunders, and others, scattering. When the Democrats, however, centered upon Mr. Haywood, they again voted as a body for him, the final ballot standing Haywood ninety-five and Graham sixty-nine, with two scattering.

FIRST TERM AS GOVERNOR

At the end of his term of service in the United States Senate, Mr. Graham returned to the practice of the law at Hillsboro. But the people of North Carolina were not willing that he should remain long out of their service.

The Whigs throughout the State, while they were intensely

indignant at what they regarded as Mr. Tyler's treason to their party, were not discouraged by it. They turned as one man to Mr. Clay, as their candidate for the presidency in 1844, and to Mr. Graham as their candidate for governor. The Whig State Convention was held in Raleigh December 7, 1843, and Mr. Graham was unanimously and with great enthusiasm chosen as its candidate for governor. It was with some sacrifice of his financial interests that he accepted this nomination. He said in his letter of acceptance, December 18, 1843: "But, however gratifying to an honorable pride, your communication awakens feelings also of a different character. It breaks in upon my plans of life, my professional and agricultural pursuits, and demands a sacrifice of interests which can not well be spared from my family. I had therefore most earnestly and anxiously hoped that the choice of the convention would have fallen on some one of those able and virtuous citizens, whose names have been connected with this subject and whose disinterestedness and zeal in the Whig cause, is only equaled by their devotion to its principles. Nevertheless, with my conceptions of duty (however much I had wished it otherwise) I have no alternative but to accept the nomination. Without stronger reasons than any I have to urge, I could not hold any other person justified in refusing a call from such a source, to lend his name and his efforts to the support of principles, which, I verily believe, lie at the foundation of the enduring prosperity and happiness of the country."[1]

Mr. Graham's opponent was a personal friend and fellow county-man, Michael Hoke, of Lincoln. Mr. Hoke was young (only thirty-four years of age), ardent and able. He was considered the most promising of the younger Democrats of the State, had great personal magnetism, was a fine debater and universally popular. He was a man of irreproachable character and had a great deal of humor, but it was a

[1] NOTE.—He was urged very strongly by Senator Mangum and Mr. James W. Osborne not to accept this nomination, that his proper place was in the U. S. Senate, and this would prevent his being considered for that place.

kindly, genial humor that left little sting behind it. His death, on September 9, 1844, from a fever contracted in the eastern part of the State during this campaign, was a great loss to the State, and it was deplored scarcely less by his political opponents than by his party associates. The campaign was arduous, the candidates occasionally meeting in joint discussion. Graham, more learned, more experienced, calmer, more dignified and impressive; Hoke, more nimble, quicker, brighter and more entertaining. The Graham-Hoke campaign was long spoken of in the State in very much the same terms that we speak of the Vance-Settle campaign of 1876, as one of the most remarkable in the history of the State. Mr. Graham was elected by 3,153 majority.

Here is a contemporary estimate of Mr. Graham which I give. It is that of a political follower, but allowing something for natural partiality and exaggeration, its essential features present him very near as he was: "Governor Graham dignifies and adorns everything he touches. Such grace, such elegance, such ease, such candor and so much placid eloquence, were never seen before concentrated in one man. He can not fail to acquire the attention of his audience, and when acquired, he keeps it chained with a magic spell. We have seen speakers who seemed as if they snatched the very lightnings and thunders of heaven to assist them in overpowering the senses and arousing the passions of their hearers; we have seen those who appeared to make the very walls laugh with ancedote and the air boisterous with mirth; we have seen those whose plain, matter-of-fact statements fell with convincing force upon the judgment, but in so cold and formal a manner that, although we were compelled to acknowledge the force of the argument and the solidity of the facts, we could not forget the repulsive manner of the speaker; but never have we seen so due a degree of the excellences of a public speaker united in one man as in Governor Graham. He is possessed of a lofty dignity without haughtiness, ease without affectation, talent without vanity, and

principles which have the respect of even those who entertain others." Of course the tone of this is exaggerated, but after all it is simply truth somewhat colored. Governor Graham had a very fine and noble presence. He was at this time the handsomest man in public life in North Carolina. The tones of his voice were mellow and harmonious, and, though not strong, well modulated. His action was free, easy and graceful, on occasion warming into energy. His matter was carefully arranged so as to give his argument the effect of cumulation. He was fair in statement, and perfectly honest and sincere in the positions he took. His public addresses, though always orderly arranged, are never closely reasoned. He knew the danger of the logical short cut in dealing with public questions. Its beauty and force could be appreciated only by the initiated, and such were not his fellow-citizens whom he was addressing. He very seldom dealt in sophistry. Indeed so practical a mind as his could rarely do so. In short the matter of his public speeches was interesting and instructive, while his manner was always attractive.

On January 1, 1845, he was installed as governor, the oaths of office being administered by the Chief Justice, Ruffin, in the Commons Hall, in the presence of both houses. He then delivered his inaugural address. After a merely cursory glance at the relations of the State to the Federal Government, in which he condemned the practice of devoting so much of our public discussions to Federal topics, he confines himself to the problems which were to confront him in his coming administration. "That these important concerns of the nation should be objects of constant observation and active vigilance is to be expected and desired; but that they should be so to the exclusion of those immediate interests which come to our homes and our firesides, and which are wisely retained under state jurisdiction, is a misfortune to be deprecated. If we glory in the name of American citizens, it should be with feelings akin to filial affection and grati-

tude, that we remember we are North Carolinians; and that the preservation and prosperity of our system and its ability to secure the permanent and habitual attachment of the people, depend quite as much, nay much more, upon an enlightened policy and a correct administration in the state governments than in that of the union. * * * North Carolina, possessing a soil, upon the average not above the medium grade of fertility, but yielding fruitful returns to patient toil in our generally salubrious climate; excluded by the nature of our sea coast from any enlarged share in the commerce of the world, her people have been inured to self-reliance, industry and economy. The natural fruits of this situation have been personal independence, unostentatious self-respect, habits in general of morality, obedience to the law, fidelity to engagements, public and private, frugality in expenditures and loyalty to the government, the offspring of the simple manners and honest and manly character of its citizens." He then proceeds to show the necessity for continued efforts to provide an adequate common school system, and the means for creating an adequate market for the products of the people: "If we can not, without too great a loss of profits, send our staples to existing markets, we must endeavor to bring a market nearer to them, by inducing capital to come to the State, by utilizing local capital in the establishment of various industries for which the State could provide so much raw material, by the building of more railroads and better local highways. Our country must be made to hold out the hope and expectation of acquiring the means of comfortable livelihood and a reasonable accumulation, or its population can not be expected to remain, nor its resources to increase. While labor is the true foundation of national wealth, it may be, much aided in its efforts by the kind and upholding hand of government." He concludes thus: "In our past history we have gained a high character for the virtues of honesty and fidelity. Thus far our escutcheon is unstained, the public faith has been kept, the public honor

is inviolate. And whatever tests may await us in the future, let us fervently unite our invocations to that good Providence, who has so signally upheld and preserved us heretofore, that our beloved North Carolina may still be permitted to walk in her integrity, the object of our loyalty and pride, as she is the home of our hearts and affections."

The *Register* of January 8, 1845, commented on this address as follows: "We have never seen a larger or more intelligent assemblage on a similar occasion in our State; and we can say without disparagement to others that the address of Governor Graham on the occasion was decidedly the best inaugural we have ever heard, or have ever seen from any of the state executives of the union. It speaks the words of truth and soberness to our sister states and counsels our own in a language of the soundest wisdom."

One of the first problems with which Governor Graham had to deal was the foreclosure of the State's mortgage on the Raleigh & Gaston Railroad. The building of railroads was, of course, a new thing in North Carolina. The lack of experience in such work, as usual, wrought its own penalty. It cost more than it should, and was operated badly—expensively and inefficiently. The State had made itself liable as surety on $787,000 of its bonds. The company had failed to pay even the annual interest on these bonds, and the State was forced to pay both interest and a part of the principal. Legal proceedings were instituted for the foreclosure of all the mortgages on all of the property of that company at the Spring term, 1845, of the Wake County Court of Equity. But owing to the resistance made by the company, and the decision of the Superior Court in their favor, an appeal was rendered necessary to the Supreme Court, and the decree of foreclosure was postponed to the fall term of that year. The cost of the road was $1,500,000, and it brought at the foreclosure sale, on the bid of the State, through Governor Graham, $363,000.

The Legislature of 1844-5, also, made it the duty of the

Governor to collect the memorials of the Revolutionary history of the State. In pursuance of this, Governor Graham wrote to Judge Francis Xavier Martin, of Louisiana, on February 8, 1845: "Presuming that your researches when engaged in writing the history of the State put you in possession of many of the letters of these early governors (Caswell, Nash and Burke), as well as other documents of great interest to our people, I have to request as a special favor to North Carolina that you will be kind enough to communicate to me any of our public documents of the description desired, which may be under your control; or that you will inform me as early as your convenience will permit, where copies of them may be procured." But Judge Martin, as he wrote Governor Graham on March 29, 1845, had collected no material so late as the administrations of early governors. He corresponded also with Miss Mary Burke, the only surviving child of Governor Burke, and it was by her consent that the Burke papers, then in the possession of Dr. James Webb, of Hillsboro, were turned over to Governor Swain. On March 5, 1845, he issued a circular letter to the people of the State, reciting the resolution of the Legislature and giving in detail the public documents already discovered in the capitol and describing those missing and desired, and requesting them to cooperate with him in the preservation of the memorials of the Revolutionary period. The early part of his first administration, too, was much occupied with the preliminaries to the establishment of a school in Raleigh for the deaf, dumb and blind.

He met his first Legislature in November, 1846, with an elaborate and very able message, dealing largely with the finances of the State. The average expenditure for the ordinary support of the government at that time was $67,500 per annum. At the same time the income from ordinary sources of revenue averaged $83,000, the excess of which, over and above ordinary expenses, was devoted to the account of rebuilding the capitol, interest on the State's debt until

it was liquidated in full and to liabilities of the railroad companies. After showing that the income could be largely increased by an adequate assessment of the lands and polls in the State (there had been no reassessment of lands in ten years), he proceeds: "No valuation can continue to be a just criterion of worth for any considerable period, and a reassessment should be provided for once at least in five years, if it be not annually. By adopting these measures of fairness and justice, to collect what is now imposed without increase of taxes, it may reasonably be expected that the public revenue from present sources, now equal to about $86,000, may be raised to $100,000 per annum." He then recommends a specific tax upon pleasure carriages, gold watches kept for use and other articles of luxury, to go into operation at once, and to continue in force until the expiration of the next session of the General Assembly. "In advising therefore but a temporary provision for extra taxation, I am influenced by the consideration, that possibly it may not longer be required, rather than a fear of any aversion of our constituents to contribute whatever may be needed to redeem the public obligations, however incautiously or unfortunately entered into. The odious doctrine that a State may refuse or postpone the fulfillment of contracts guaranteed by her public faith and sovereign honor, has no resting place in all our borders, and I am yet to hear of a single exception to the unanimity of our people upon this subject."

There were at the time many railroad schemes. Among others were two proposed railroads into South Carolina, one from Wilmington, which was by this Legislature incorporated as the Wilmington and Manchester, and one from Fayetteville. Governor Graham, while not opposing these projects, was very much in favor of a railroad from Fayetteville to Salisbury or Charlotte, and thence into South Carolina. And the Legislature did grant a charter to the Charlotte and South Carolina Railroad.

At that time our common school system was in its infancy, only $95,578 being distributed by the State for its support. Governor Graham recommended that the office of Commissioner of Common Schools be created, and that it be filled by one charged with the superintendence of the system throughout the State, and devoting his whole time and attention in imparting to it vigor and usefulness. "The subject is of sufficient weight, especially in the infantile stage of these institutions, to engage the best talents and most exalted patriotism of the country."

In May, 1846, the President, Polk, called for one regiment of volunteer infantry, to be enrolled and held in readiness to aid in the prosecution of the existing war with the Republic of Mexico. Governor Graham, in response, issued his proclamation, and with a most commendable promptitude, said he, more than three times the number required tendered their service. Capt. S. L. Fremont, the army officer appointed by the Federal Government to muster this regiment into service, wrote, after he had performed this service and was leaving the State: "Public men may differ about the justice of the war, but the good people of the Old North State have shown that in a foreign war, they know no party but their country, and no country but their own." Governor Graham's attitude toward the Mexican War was that held by most of the leading Whigs of the period, *i. e.* it was unnecessary, if not criminal, and was brought on not by the annexation of Texas, but by President Polk's precipitancy in sending General Taylor to take possession of the territory in dispute between the State of Texas and the Republic of Mexico. War being flagrant, however, everything must be done to make the arms of the United States successful.

To some degree Mr. Graham's first term as governor was devoted to carrying out the plans of the previous administration (Morehead's) or that had been inaugurated by the General Assembly of 1844-5, such as, for instance, saving

the State harmless from the bankruptcy of the Raleigh and Gaston Railroad and the Clubfoot and Harlows Creek Canal, and directing the settlement of the accounts between the State and insolvent purchasers of the Cherokee lands and their bondsmen. In all these matters he demonstrated his very superior ability as an administrator. Especially was this the case in his management of the Raleigh and Gaston Railroad. Had it not been for a fire in February, 1848, by which the machine shops and engine house were destroyed and its stationary engine and four locomotives were seriously damaged, it would in the course of a few years have been made a profitable investment. There had been occasional discussions of amendment to our penal code which would moderate in harshness and provide a penitentiary for a certain class of offenders from 1791 on, notably so in 1817 and in 1822, but nothing definite had been done until the General Assembly of 1844-5. The governor was directed to secure statistics from states in which the penitentiary system then prevailed and submit the same to the people before an election to be held under the Act. Governor Graham, through an extensive correspondence, did collect the data desired and published the same in the newspapers of the State in the early summer of 1846. Under the act, the question of a penitentiary or no penitentiary was submitted to the people at the time of the election for governor in August of that year. The election seems to have gone by default against any change, the vote for it being very small.

So satisfactory to his own party and to the people of the State was his first term as governor, that in January, 1846, Governor Graham was nominated for a second, by a largely attended and very enthusiastic Whig convention, and the following August was reelected by a great majority (7,850), over his Democratic opponent, James B. Shepard. Mr. Shepard was a man of fine ability and was a good speaker, but he had inherited wealth, so was disinclined to the drudgery of politics and of the bar. His candidacy and canvass

against so popular and efficient a governor as Mr. Graham was, of course, a forlorn hope. Mr. Graham, had, by this time, become unquestionably the leader of the Whig party in the State. He practically dictated the policy of that party. I do not use the term dictate in an offensive sense, for he was too courteous a gentleman and too wise a public man ever to assume a dictatorial manner. His knowledge of the people was so extensive and so accurate, that his party associates had the utmost confidence in the soundness of his judgment in all matters of policy, and so almost invariably adopted his views after a conference, or if on rare occasions they overruled him, had cause to regret it, as subsequent events showed their wisdom. As a party leader, it is quite probable that he was never excelled by any man in the history of the State.

In the General Assembly of 1848-9, the two parties were tied in both House and Senate, so a compromise was made by which R. B. Gilliam, Whig, was elected Speaker of the House and Calvin Graves, Democrat, was elected Speaker of the Senate. The principal subjects for consideration by this Legislature were the establishment of a State Hospital for the Insane at Raleigh, the disposition of the Raleigh and Gaston Railroad and the charter of the North Carolina Railroad. Governor Graham gives his views at large on all these topics in his last biennial message. He concludes his recommendation of a State Hospital as follows "A distinguished person of the gentler sex,[1] who has devoted much of her life to the pious duty of pleading the cause of the lunatic before States and communities, has recently traversed a considerable part of this State in search of information respecting these unfortunates among us, and will probably ask leave to present their cause to you at an early day. I can not too earnestly commend the cause itself, or the disinterested benevolence of its advocate."

There is no more dramatic incident in the history of the State than Miss Dix's appeal to this Legislature, Mr. Dob-

[1] Dorothea L. Dix.

bins's great speech, and the passage of the act on January 29th, 1849, but it is without the scope of this paper.

Governor Graham's views in regard to the disposition of the Raleigh and Gaston Railroad were so interwoven with those on the charter of the North Carolina Railroad, that I discuss them together. He said in his message that there were only three modes of disposing of the former road: 1st, a resale to existing stockholders by compromise of the suits now pending, if suitable terms be offered; 2d, retain it as a permanent property of the State after repairing it in the best manner; and, 3d, to unite it with another work through the interior of the State. The last was the plan which he urged very forcibly upon the Legislature in his regular message and in two special messages sent to the Senate. His idea was to fill in the missing link between Raleigh and Columbia, S. C., in the great chain of railways from New York to New Orleans by incorporating and building a railroad to be called the North Carolina Railroad, from Raleigh to Salisbury, and thence on to Charlotte, where it would connect with the Charlotte and Columbia road, already chartered and then being built. The details of his plan may be summarized thus: Private individuals to subscribe $500,000. As soon as the Board of Internal Improvements should be satisfied that these subscriptions were in good faith and solvent, the suits then pending against delinquent subscribers to the stock of the Raleigh and Gaston road should abate, the new corporation was to be formed and the State to convey that road to it. He estimated that the cost of the new road would be not more than $2,500,000, and of this the State was to assume half, but the conveyance of the Raleigh and Gaston road was to be in lieu of $500,000 of the State's subscription. The $500,000, subscribed privately as above said, were to be used first in putting the Raleigh and Gaston road in thorough repair and good condition, and the balance was to be expended in building the new road toward Salisbury from Raleigh. He estimated that there would be about forty miles

thus completed. After so much of the work should be done, then the State was to advance such further sum as might be necessary to complete the road, the amount paid by the State, however, to be always in equal proportion to those paid by private stockholders. His scheme also comprehended the building later a railroad from Raleigh to Goldsboro and one from some point east of the Yadkin to Fayetteville, and still later one from Goldsboro to Beaufort. As is well known this scheme was not adopted in its entirety. As a matter of fact, it was only through many concessions and compromises in the face of very determined opposition that the North Carolina Railroad was chartered. The Democratic speaker of the Senate, Calvin Graves, fully aware of the consequences of his act, committed political suicide when he broke the tie in the Senate in favor of the railroad. Governor Graham supported this measure sincerely, though it was some modification of his own. He is said to have drawn the whole bill, which was introduced in the Senate by Mr. William S. Ashe, of New Hanover, and was certainly the author of section 45 to the end of the act. (Laws 1849-9, chapter 82.) If any one could be said to have been the father of the North Carolina Railroad, where there were so many taking an active and efficient part in its inception, certainly it was Governor Graham. Ground was broken for the new railroad by Calvin Graves in the presence of a large crowd at Greensboro, on July 11th, 1851. Governor Graham was then in Washington City, as Secretary of the Navy, so could not attend this meeting, but he wrote a letter, which was read to the assembly and from which I extract the following: "To the friends of this enterprise, with whom I have been proud to cooperate in the darkest hours of its fate, as well as to all the good citizens of the State, who shall participate in the celebration of its happy commencement, I offer my hearty congratulations and good wishes. * * * I look forward to the day of its final completion, as a time of deliverance not merely from the shackles of commercial bondage, but from

the dominion of prejudice and error, which, however honestly entertained, have been the bane of our prosperity."

There were three measures that he repeatedly urged upon both of his Legislatures, but in vain: 1st, the appointment of a state commissioner of education; 2d, the abolition of the jurisdiction of county courts over pleas; and, 3d, a more modern and more efficient system for the maintenance of public roads.

This summary of the leading events and measures of Governor Graham's two administrations shows how wise and practical he was in dealing with the affairs of the State. Adopting a phrase of his own, "he devoted himself to those noble studies, by which States are made prosperous and their people happy," and the knowledge thus acquired he applied wisely to the service of his native State. His messages, addresses and other state papers were systematically arranged, businesslike and practical, indicating hard, intelligent, apprehending and appreciative labor. Their style was pellucid, flowing and attractive, yet dignified and impressive In the weight of their matter, in the orderliness of its arrangement and in the attractiveness of their vehicle, they compare well with the state papers of any man at any period.

TO THE CIVIL WAR

At the end of his last term as Governor, in January, 1849, Mr. Graham returned to the practice of his profession at Hillsboro and in the adjoining counties.

General Taylor was inaugurated as President in March of that year. The end of the Mexican War, with the cession of a vast territory to the United States, presented many serious problems to the Taylor administration. That, however, which assumed an exceedingly threatening aspect and absorbed most painfully the attention of the whole country, was what was and should be the legal and constitutional status of slavery in the newly acquired territory. The North, speaking generally, was determined that there should be no

extension of slave territory, while the South, standing upon its clear rights under the Constitution, was equally determined that the new territory should be open to settlement by slaveholders if they so desired, without any interference with their slave property. Never in the history of this country has there appeared in the Senate of the United States so splendid an array of talent, of statesmanship and ardent patriotism as in the Senate of the Thirty-first Congress at its first session, yet never was there so plain an illustration of the futility of all the wisdom of the wisest of men when set in opposition to that march of events, which is controlled only by the infinite wisdom of Providence. These wise men could bring about a compromise which could postpone for a moment the final catastrophe,—that is all.

Mr. Graham was a very much interested and sympathetic observer of all the events which led up to Mr. Clay's famous compromise, and was in frequent communication with the senators from North Carolina, Messrs. Badger and Mangum. He, himself, supported that measure without reserve. In the summer of 1849, President Taylor offered him his choice of the missions to Russia and to Spain. Fortunately for his State and country, he had no inclination to a foreign appointment. On July 4th, 1850, the President was much exposed to a hot sun, and contracted a fever from which he died on the 9th. The Vice-President, Millard Fillmore, qualified the next day as President. It has been the habit to speak of Mr. Fillmore as a man of only moderate ability, dominated and controlled by his very able and experienced cabinet. The truth is, he had already as chairman of the Ways and Means (then also Appropriations) Committee of the Twenty-seventh Congress, shown his unusual ability as a practical, conservative, laborious legislator. Without being at all brilliant, he had in full measure the capacity for labor, for calm, sane, unimpassioned investigation, and for firm, consistent action, when once his course of action had been determined upon. He was a man of high character and indubi-

table patriotism. Had not the majority of both Houses of Congress been adverse to him during the less than three years of his administration, that administration would have been noted for its constructive statesmanship. Many useful and salutary measures advocated by him were disregarded by Congress, but his administration has to its credit cheap postage, the extension of the Capitol, the Perry Expedition, the exploration of the Amazon and, to some extent, (he and his advisers being in sympathy with it, whereas General Taylor was lukewarm, if not opposed to it), the compromise of 1850.

Soon after General Taylor's death his cabinet resigned. Mr. Fillmore selected as their successors: Daniel Webster, Secretary of State; Thomas Corwin, Secretary of the Treasury; Charles M. Conrad, Secretary of War; William A. Graham, Secretary of the Navy; James A. Pearce, Secretary of the Interior; Nathan K. Hall, Postmaster-General, and John J. Crittenden, Attorney-General.

To this important office, Mr. Graham, though comparatively a young man, only 46 years of age, came in the full maturity of his powers. His diligence in mastering detail, his capacity for labor, his accessibility and courtesy to competent advisers and his sound and well-balanced judgment, soon made him an exceptionally efficient secretary. The measures with which he was especially identified were four:

1st. Reorganization of the coast survey, making it more practical and useful.

2d. Reorganization of the personnel of the navy, providing for the retirement of officers, etc.

3d. The exploration of the Amazon.

4th. The expedition to Japan.

On the first of these measures Mr. Benton commented as follows in a letter to him, dated February 19th, 1851: "I have just read a second time your report on the coast survey subject. I consider it one of the most perfect reports I ever read—a model of a business report, and one which should carry conviction to every candid, inquiring mind. I deem

it one of the largest reforms, both in an economical and administrative point of view, which the state of our affairs admits of."[1]

A gentleman, still living and who has a very accurate memory, reports a conversation had with Com. M. F. Maury long after this period, in which he spoke in the highest terms of Secretary Graham's efficiency, and his own sense of gratitude to him for giving him opportunities to set out on his own distinguished career.

On the second of these measures, Mr. McGehee, (Memorial Oration, pages 25-6) quotes a letter of another distinguished senator: "You had a new field opened to you, and well and ably have you occupied every portion of it. The report is to be properly characterized by a bold originality of conception and a fearlessness of responsibility too rare in that class of state papers. You have had to grapple with a system built up by a series of abuses, and to use the knife—that fearful and unpopular instrument—somewhat unsparingly. If I do not greatly err, it will give you more reputation in the country than anything you have heretofore produced before the public." The third great measure of his secretaryship was the exploration of the valley of the Amazon by Lieutenants Herndon and Gibbon. This was suggested by Lieut. M. F. Maury. Seeing the importance of this venture, both as adding to the world's knowledge of that remote and little known country, as well as the possibilities for trade with its inhabitants, Secretary Graham readily adopted the suggestion. His letter of instruction to Lieutenant Herndon, February 15th, 1851, is characterized by that familiarity with the details of the project and that clearness as well as largeness of view which are found in all his important papers.

Of all the great measures with which he was identified as cabinet official, that which was most fruitful in results was the Perry Expedition to Japan. There had been many dis-

[1] McGehee, 26.

asters among the fishing vessels of the United States on the uncharted, or insufficiently charted, seas of the northeast coast of Asia. A fishing vessel had been cast away on the coast of Formosa, and all its survivors had been massacred. Another vessel had been wrecked off the coast of Japan, and the fifteen survivors had been cast into prison and treated with great cruelty. The settlement of the Oregon boundary dispute, the cession of California by Mexico, the discovery of gold there and the completion of the Panama Railroad, had aroused the people of the United States to the promising aspect of trade on the Pacific coast and to the far East. Japan was at that period one of the hermit nations of the world. As early as December, 1850, Commodore Perry suggested to Secretary Graham the project of an expedition to Japan. Mr. Graham, at once impressed with the hopefulness of the scheme and its far-reaching consequences if successful, encouraged the commodore to confer confidentially with Mr. Aspinwall, of New York, who had experience in trade to the East and had recently completed the Panama Railroad, and certain mariners in Boston, and collect such facts and statistics as might throw light upon the subject, and report to him. At this time the discussion was kept from the public, because it was feared that England or France might forestall this country, if information of these proposals should reach either of those powers. Mr. Graham, upon receipt of the information desired, seems to have laid the matter before the cabinet, but without their coming to any definite conclusion at that time. Soon after it was the fortune of an American vessel to rescue a number of Japanese in the Pacific about six hundred miles from Japan, and to bring them into the port of San Francisco. The administration, upon hearing of this, quickly realized its importance as giving an opportunity to establish friendly relations with Japan. Preparations were immediately made to return these Japanese to their home on a man-of-war, which, leaving San Francisco, was to join the Eastern Squadron at Macao

or Hong Kong. Meantime Com. John H. Aulick was dispatched, with additional vessels, to take command of the Eastern Squadron, bearing with him from President Fillmore a letter to the Emperor of Japan. The instructions to Aulick, May 31st, 1851, drawn by Secretary Graham, do not on their face contemplate a special mission to Japan. When the shipwrecked Japanese reached their home escorted by the American war vessels, the natives refused to permit them to land, or to supply the American vessels with food or water. Early in the year 1852, no doubt under the urging of Commodore Perry and Mr. Graham, the plans of the administration underwent a change. It was then determined that Perry should be given the command of the Eastern Squadron and that he should go with very considerable reenforcement of vessels upon a special mission to Japan. He was commissioned on March 24th, 1852, preparations were begun immediately to fit out his squadron, and he sailed on November 24th, 1852, Aulick having in the meantime, July 10th, been relieved of the command of the Eastern Squadron. The results of this expedition are before the world. There can be no doubt that Governor Graham was the prime mover, in the cabinet, of this epoch-making adventure.

His services as Secretary of the Navy showed the country that he was a fine administrator as well as an able statesman, as much master of detail, as he was capable of taking whole views of great public questions. The Whig National Convention met in June, 1852. President Fillmore, who was supported very earnestly by Mr. Graham and who, according to all the rules of the game, should have been nominated, led on the first ballot, but Mr. Clay, who was still all-powerful, threw his influence to General Scott, and nominated him. Mr. Graham was nominated for the Vice-Presidency on the second ballot, receiving 232 votes against 52 for Bates, of Missouri.

Never was a weaker nomination made for an exalted office

by any party than that of General Scott by the Whigs. He was an able and virtuous man, but many of the salient features of his character approached so near being ridiculous in themselves and lent themselves so readily to caricature, that his candidacy, though a tragedy to the Whig party, became a comedy to a large majority of his fellow-citizens. There was defection, too, among the Whigs of the South, because he was thought to be tainted with free-soilism, and among the Whigs of the North, because he was thought to be under Southern influence. The result, of course, was foredoomed. He received only 42 out of a total of 296 electoral votes.

Whatever expression of dissatisfaction there may have been at the head of the ticket, there was none at the nomination of Governor Graham. His personal worth, his ability and his usefulness were freely admitted by every one. In Pennsylvania, however, party capital was made against him on account of his votes on the Whig tariff bill of 1842. He generally voted with the Democrats for lower rates when the measure was up in the Senate and against the bill, when completed, because provision for the distribution of the proceeds of the sales of public lands was omitted. Notwithstanding the evident failure of the Scott campaign, Pierce and King carried the State of North Carolina by only 603 majority. This, under the discouraging conditions for that party then existing in the State, was a Whig victory, or rather a Graham victory, for it was his popularity and influence only that reduced the Democratic majority of a few months before of 5,564 to 603. The disintegration of the Whig party, the symptoms of which were very marked in most of the other States, had also begun in North Carolina. David S. Reid, Democrat, had been elected Governor in 1850. Renominated by his party in 1852, he and the very eloquent and accomplished John Kerr, the candidate of the Whigs, had canvassed the State on Governor Reid's proposition to remove the freehold qualification from voters for State Senators, and in August of that year Governor Reid had been

reelected by the largely increased majority stated above. This free suffrage program was not alone in undermining the Whig strength in the State, for voters were coming more and more to realize that the only safety for slavery was the continued ascendancy of the Democratic party in national affairs.

Governor Graham seems to have had no substantial objection to the extension of the suffrage. He was so much absent from the State after the subject was introduced in the General Assembly of 1850, that he gave the matter only casual consideration until 1853. Then he was opposed, not so much to the policy as to the method of incorporating it in our fundamental law. "A constitution of government for a free people," said he, "is a complicated machine, like a steam engine or the human frame. It consists of various parts adjusted to one harmonious whole. * * * In other and more familiar language, it is a system of checks and balances, one article of which would not have been inserted without another on kindred subjects, and one of which can not be removed without carrying with it others, or deranging and destroying the balance of the whole." He happily illustrated this idea, as follows: "It might be supposed by a superficial observer that the human hand would be improved by cutting off the fingers to equal lengths, and the operation would be so simple that any child who could handle an ax could perform it. And yet we know that the curtailment of an extremity would wound nerves and blood vessels connecting with the brain and heart, the very vitals of the system." The freehold qualification for voters for Senators was incorporated in the Constitution of 1776 and retained in that of 1835, as a measure of protection to the landed interest against those who owned no land, yet as free men voted for members of the House of Commons and so were represented there. Land was much the more valuable part of the possessions of the citizens of the State who lived in its midland and its west, whereas slaves constituted a large part of the wealth of

the east. By a compromise between these conflicting interests, the land was given this measure of protection in return for that given slave property by forbidding any other taxation than the poll tax, (the same as that of the whites), on all slaves between twelve and fifty years of age,—much less than this property would yield if taxed *ad valorem,* as land was. Yet the Democrats proposed to strike down the protection to land, while leaving slave property still protected, and paying an inadequate tax. He, then, met the plan to enact the suffrage amendment only, by a bill to submit to the people the question of a convention to amend the Constitution, not only in this regard, but in others where it required amendment.[1] As a sort of forlorn hope that he might stem the tide setting so strongly against the Whig party, he was elected to the Senate from Orange County in 1854. On December 14th of that year he made a very able speech in the Senate elaborating the above ideas. That the Democrats, themselves, split a few years later on the question of *ad valorem* taxation of slaves, and were finally forced to adopt it as a party measure, is very strong evidence of Governor Graham's political acumen.

The immediate effect upon the South of the compromise of 1850, was quieting. The love of the Union, that had been weakened by the agitation which induced that measure, became once more an active principle in that section. The failure of some States in the North to enforce, or permit to be enforced, in their borders, the fugitive slave law, (the only thing which they yielded in the so-called compromise), in good faith, the Kansas-Nebraska agitation and the Dred Scott decision, however, soon aroused both North and South as they had never been aroused before. It became daily more and more evident that Mr. Seward's irrepressible conflict was not an oratorical exaggeration, but a stern reality. Men, wise men, patriotic men, continued in the midst of the turmoil to cry peace, when there was no peace and could be no peace. We, from the vantage ground

[1] Senate Journal, 1854, 70.

of the present looking back upon the past, can only wonder that the final catastrophe was postponed so long. That it was, is due in large degree to the wisdom and moderation and patriotism of the dwindling band of Whig leaders in the South and of their sympathizers in the North. There is something very admirable in the character and pathetic in the history of the Old Line Whigs of the South. In politics they were conservative, but in all that concerned the industrial interests of the country they were progressives. They were as incorruptible as a Roman senator in the palmiest days of Rome. Their public life was as clean and immaculate and as far above suspicion as Cæsar would have had his wife. To them patriotism was more than a sentiment, it was almost a passion. To them the Federal Constitution was not a compact, but the great charter of an indestructible Union, the repository of the political wisdom of the ages, by which America was to be made great and kept great throughout all time. Patriotism to them, then, assumed a twofold aspect—love for their native State and love for the Union. This blinded them to that fact of facts, which is written all across the history of the period immediately preceding the Civil War, namely, that it was either slavery *or* the Union. There was no other alternative. If slavery was to continue, then the Union must go; if the Union was to continue, then slavery must go. The vision of the secessionist was clearer. He saw that he could not long hold on to his slave property in the Union, so he prepared himself to hold on to it out of the Union. To him, to use the sharp and cutting characterization of Henry A. Wise, there were only three parties—the Whites, the Blacks and the Mulattoes: the Whites, the secessionists; the Blacks, the Republican party North; and the Mulattoes, the union men of the South. It was the day of the extremist. Events moved too rapidly for the moderates. They could not stem the tide; they must move with it or be overwhelmed. It was a choice between loves, and, in agony of soul, they chose the greater, their homes, their fire-

sides and their neighbors, and ever after their faces were to the foe. Governor Graham was one of the wisest and noblest of the moderates. He loved the Union scarcely less than he did his native State. He thought the southern agitator only less to blame than the northern abolitionist. He condemned secession with all the earnestness of his nature, not only as a political heresy, but as essentially suicidal to the best interests of the South. So strong was his position before the country at large, so great was the confidence in his ability, his moderation, his probity and his patriotism that he was supported by North Carolina, Georgia and several district delegates for the nomination for the presidency by the Constitutional Union party in 1860, and after the popular election of Mr. Lincoln in the fall of that year, the New York and Pennsylvania electors were strongly urged to cast their ballots for him in the electoral college, as the only means to avert the impending dissolution of the Union.

Even after the secession of South Carolina and the Gulf States, Union sentiment in North Carolina continued very strong. Governor Graham could see no reason for secession, (or revolution, as he preferred to call it), in the bare fact of Mr. Lincoln's election. He regarded the strong expressions of the campaign used by Mr. Lincoln, Mr. Seward and others, (*i. e.*, that the government could not endure half slave and half free, that the question was whether freemen should cultivate the fields of the North or slaves those of the South, etc.), as mere oratorical exaggeration, rhetoric of the hustings on which they were canvassing for free-soil votes. He, therefore, very consistently opposed the calling of a convention in February, 1861, and his course therein was sustained by a majority of the people of the State. After Mr. Lincoln's inauguration, he hoped that he might let the seven "erring sisters go in peace," that he would convene Congress in extra session, acknowledge the independence of these States, grant guarantees to the other slave States, which had adhered to the Union, that slavery would not be interfered

with within their borders, and thus maintain a happy and contented Union of twenty-seven States, instead of precipitating the country into a bloody and destructive civil war. This seems to have been Mr. Lincoln's program at the time he offered a seat in his Cabinet to Mr. John A. Gilmer, but later, his views no doubt modified as well by the current of events as by the urging of more bloody-minded advisers, he adopted what historians now call the bolder policy; he called for troops to crush the rebellion, as he called it. Thenceforward Governor Graham saw clearly that there was no other alternative but civil war, and that North Carolina must take part with the other Southern States. He had no illusions about its extent. He knew that it was to be long drawn out, destructive and agonizing, with the South's only hope a desire for peace at the North, or interference from abroad. He was sent as a delegate from Orange County to the secession convention of May, 1861, and after strenuous efforts to change its phraseology so as to make it an appeal to the ultimate right of revolution, instead of to the constitutional theory of secession, he, with all other members, signed the secession ordinance, after it had been adopted by the convention.

THE CIVIL WAR AND AFTER

Governor Graham's training, his temperament and his habit of thought, would necessarily make him a moderate in any acute crisis, so though he sincerely desired the success of the arms of the Confederacy, (he devoted five of his seven sons to the cause, all that were old enough to bear arms), he was in opposition to its government. In the State Legislature, in 1863-4, when he was Senator from Orange, in the State Convention and in the Senate of the Confederate States, he uniformly opposed all propositions to abridge the freedom of the press or of speech, to suspend the privilege of the writ of habeas corpus, to substitute military for civil tribunals, or otherwise impair the common rights of the people. The disastrous defeats of Vicksburg and Gettys-

burg, and the consequent declension of the fortunes of the Confederacy, made the people of North Carolina turn more and more to the original union men. Governor Graham was elected to the Confederate States Senate by a more than three-fourths majority in February, 1864, and took his seat in May of that year. At this session he, in conjunction with other members of Congress, labored to procure the opening of negotiations looking to peace, but unsuccessfully. For the same object he labored at the ensuing session, and the Hampton Roads Conference was, to some extent, due to his counsels. After the failure of that conference, he insisted that a new commission should be sent without limitation of powers; for the independence of the Southern States it was evident was not attainable, and if the administration scrupled to treat on the basis of the annihilation of their own government, that commission might, nevertheless, ascertain what terms would be yielded by the United States to the States concerned, and communicate the same to them for their action; but his exertions in this behalf were of none effect. When he became satisfied that it was the fixed purpose of the administration to make the recognition of independence the basis of any peace, he lost no time in counseling the Governor of North Carolina (Vance) to interpose promtly for the termination of the war. The rapidity of military operations on the part of the troops of the United States did not allow adequate time to render such interposition effective, had Governor Vance been complaisant, as he was not, and it is perhaps fortunate that such was the fact and that the war closed when and in the manner it did. Had the State intervened at this, or some former period, the disaster to the cause would have been imputed solely to that reason, and ill blood and angry feeling, crimination and recrimination, would have been the consequence. As it is all are convinced that the result is to be ascribed to the exhausted resources of the country and its entire inability longer to maintain the struggle against such fearful odds. There was

left, therefore, no jealousy or controversy among States or individuals, but a general disposition to submit as to a decree of fate. This is, substantially, Governor Graham's own account of these transactions in his petition to Andrew Johnson for pardon, dated Raleigh, July 25th, 1865.[1] His course shows his calm, unimpassioned wisdom in the midst of the most exciting circumstances in a very remarkable light. If his course at the end of the war, set out above, was erroneous, it was a virtuous error, founded upon the highest of motives, the desire to stop the further effusion of blood and to save the people of his own State from the horrors which marked the course of General Sherman's army through the other states of the South; this too when there was not the slightest hope for a successful issue to the contest.

He was elected to the United States Senate by the General Assembly of 1866, but was not allowed to take his seat. For the remainder of his life he was a loved and trusted adviser and leader of the people, without being allowed to serve them in any public office, for rancorous politicians in North Carolina prevented the removal of his disabilities before his health had failed—a very marked instance of the small things of this world confounding the great.

In 1867 George Peabody established a fund of $2,100,000, increased in 1869 to $3,500,000, to be devoted to education in the Southern states. This fund was placed under the control of fifteen trustees, of whom Robert C. Winthrop of Massachusetts was chairman, and they were to meet annually. At the suggestion of Mr. Winthrop, Governor Graham was selected by Mr. Peabody as one of the original trustees. Among his associates in the management of this fund were, besides Mr. Winthrop, Hamilton Fish, General Grant, Admiral Farragut, Bishop McIlvaine, of Ohio, W. M. Evarts and William C. Rives, and later, to fill vacancies, Bishop Whipple, A. H. H. Stuart and Chief Justice Waite.

[1] See also his letters in Spencer's "Last Ninety Days of the War in North Carolina," pp. 112–120.

Governor Graham was wholly in sympathy with the attempt to reorganize as a political force the better element among the white voters of the State, regardless of their former political affiliations. He was one of the fathers of the Conservative-Democratic party—a flexible and convenient designation, which could be reversed in Democratic communities, while it remained steadfast in Whig. He presided over the political convention that met in Raleigh, February 6, 1868, and made a notable speech defining his position, and later canvassed the State for Ashe against Holden.

He recognized fully the brutal folly, if not criminality, of the reconstruction program of Congress; he was opposed to negro suffrage, because he knew the negro was not fitted for the ballot, yet he believed in strict obedience to the law and a patient biding the time when the extent of the evil should, itself, work its own remedy in the awakening of the public conscience North, and the arousing of the people of the South to the necessity for firm, consistent, united action against the vandals and corruptionists who were preying upon them. He condemned the Ku Klux organization, not only as unwise, but as criminal, as a resort to extra-legal remedies, that could be justified by no concatenation of circumstances. Applying Bacon's definition of revenge, a species of wild justice, to their deeds, he did not hesitate in his great speech as leading counsel for the managers in the impeachment trial of Governor Holden, to describe the hanging of Wyatt Outlaw "as an atrocious act of assassination." It is difficult, if not impossible, for human wisdom to devise a formula beforehand, that will fit abnormal and unforeseen conditions, which may arise in the future. In this assertion, Governor Graham was applying this formula in all its damning quality, disregarding the abnormal conditions which rendered it not strictly applicable. But this illustrates his remarkable moral courage. Never in his long public life did he hesitate to do or say anything, which he thought wise or true, on account of any supposed bad consequences to himself.

His health commenced to fail the latter part of 1872, and in 1873 it was apparent to his physicians that he was suffering from a heart disease that might end his life at any time. In 1874 he was selected by Virginia as one of the arbitrators between that State and Maryland. He concurred fully with the public sentiment in North Carolina, which enabled the Legislature of 1874-5 to call a convention to amend the Constitution of 1868. He thought that Constitution too cumbersome, too minute in its provisions and too restrictive upon the Legislature while placing too much patronage in the hands of the governor. Orange County elected him its delegate to the convention of 1875, but on August 11, 1875, while at Saratoga Springs, New York, in the performance of his duty as one of the arbitrators of the boundary dispute, he expired in the 71st year of his age.

"The intelligence of his death was transmitted by telegraph to every part of the country. All the great journals responded with leading articles expressive of the national bereavement."[1] In North Carolina all the people grieved at the death of its greatest and most honored citizen. At the border of the State his remains were met by many of its prominent men, and escorted to Raleigh where they lay in state in the rotunda of the Capitol, guarded by state and national troops, for hours as they were viewed by crowds. Late that afternoon they were conveyed to Hillsboro, attended by the militia and special guards of honor from the towns of the State, where they lay in state at his own house until the noon of Sunday, August 15th, when funeral services were held over them at the Presbyterian Church, and in the presence of an enormous concourse, collected from many counties. They were interred in the graveyard of that church.

There has lived in North Carolina no public man, whose life was a greater force for good than was that of Governor Graham. It was, and is, an exemplification of all the virtues that a public man should have—intelligence, industry,

[1] McGehee, 75.

courage, unselfishness, devotion to the public welfare and to duty. Ingrained into his nature too was that respect for religion, without which no man can be good, as well as a definite faith in Christ, not only as a great moral teacher, but as the Redeemer of mankind. He was a Presbyterian by inheritance and by choice, though for reasons satisfactory to himself, he did not enroll himself as a member of that church. During the last few years of his life (the writer, as a boy had personal knowledge of this), no one in the community in which he lived, ever spoke of him without the very tones and inflection of his voice showing the deep respect and admiration and regard he had for him. The feeling with which a North Carolina Episcopalian thirty years ago spoke of Bishop Atkinson, more nearly expresses the regard of the people of Hillsboro and Orange County for Governor Graham, at that period, than anything else. He was endowed by nature with an excellent mind, and a noble and very handsome presence. His mind was assiduously cultivated and trained. He had the religious and moral instincts by inheritance, and these grew and strengthened in the environment in which his life was placed. He had no bad habits as a boy, none as a youth and none as a man. Instead the habits of thrift, of industry and thoroughness became a second nature to him. He was ambitious, but it was with a guided and controlled ambition, which sought place and power for larger spheres of usefulness. All these when he came to face the world enabled him to conquer a place for himself second to no North Carolinian. Judge Murphey was a greater genius, but he was not so practical; Judge Badger had greater intellectual endowments, but he was not so industrious; Judge Mangum was a greater popular orator, but he was self indulgent; Judge Ruffin was a greater lawyer, but his life ran in a narrower channel; Judge Gaston was a greater lawyer and orator, and as pure in heart and life and conduct as he, but he was not ambitious.

Yet if the capacity for taking pains should be the test for one's greatness, Governor Graham was greater than any of these. He was many sided, and a great deal of his work remains, and there is none of it that is not far above the average. He is entitled to very high rank as a lawyer, as a public speaker, as a statesman and as a writer, and the highest rank as a faithful, as a thorough and as a conscientious public official. There was never a more diligent and faithful legislator, never a more diligent and faithful governor.

> He labored, day and night, in little things,
> No less than large, for the loved country's sake,
> With patient hands that plodded while others slept,
> * * * * * * *
> Doing each day the best he might, with vision
> Firm fixed above, kept pure by pure intent.

His addresses on subjects connected with the history of North Carolina, have the same qualities of accuracy and thoroughness that all his work has, and his memorial orations on Murphey, Badger and Ruffin are classics in their perfection of form and taste, and in their combination of ease and grace with accuracy, strength and dignity.

On June 8, 1836, he married Susannah Sarah, daughter of John Washington, Esq., of New Bern, and by her had ten children. She was a lady of rare beauty and accomplishments, and the union brought to him as much of happiness as it is the lot of man to know. Mrs. Graham survived her husband fifteen years, and their descendants, as well said Governor Kitchin, "in the State to-day, represent the highest type of culture, patriotism and citizenship in the records of both their private and their public life, having the same devotion to their country and fidelity to their country's call as the illustrious William A. Graham."

As a fitting close to this paper, I give the estimates of Governor Graham by others, most capable judges, residents

of other States and associates with him in the management of the Peabody Fund. In the resolutions reported by Mr. W. M. Evarts, and evidently written by him, occur the following:

"The distinguished public character of Governor Graham, and his strong hold upon the confidence of the people of the North and of the South alike, have been of the greatest value and importance to this board in securing the sympathy and cooperation of men of credit and of influence in the country, in furtherance of the beneficial system of education at the South which Mr. Peabody's munificent endowment has so greatly aided in developing. That our personal intercourse with Governor Graham, in the discharge of our common duties, has shown to us his admirable qualities of mind and character; and we lament his loss, as of a near friend and associate, as well as an eminent public servant and benefactor."

Hon. John H. Clifford, of Massachusetts, wrote: "I should not fail to bear my testimony to his thorough fidelity, his manly frankness and his amiable temper, which had made him one of the most agreeable, as he was one of the most useful, members of the board."

Said the Hon. Robert C. Winthrop, of the same State: "He has held, as you all know, many distinguished offices in the service of his State and country. In all these relations he had won for himself a widespread reputation and regard, which any man, North or South, might have envied. I knew him intimately, and have always cherished his friendship as one of the privileges of my Washington life. * * * No one of us has been more punctual in his attendance on our meetings, or has exhibited a more earnest and intelligent interest in all our proceedings, while his dignified and genial presence has given him a warm hold on all our hearts."

Said Mr. A. H. H. Stuart, of Virginia: "He possessed a sound and vigorous intellect, which enabled him to grapple with the most difficult questions; and he was singularly free

from all those influences of passion and excitement, which too often disturb the judgment. His views of every subject were clear, calm and well considered. He possessed that happy balance of the intellectual faculties, which is the parent of wisdom. Although he has for more than forty years occupied a prominent position in public life, and has filled many important offices during times of high party excitement, no man has ever ventured to question the integrity of his motives or conduct; and up to the hour of his death he enjoyed the unlimited confidence of all who had the happiness to know him. * * * I have rarely met a wiser man, and never a better man, than William A. Graham."

THE VALUE OF HISTORICAL MEMORIALS IN A DEMOCRATIC STATE

BY THOMAS W. MASON

Ladies and Gentlemen:

Our Historical Commission presents to our beloved State at this hour the marble form of William Alexander Graham, that it may stand forever under the dome of our Capitol.

One who is worthy to speak of him, his townsman and his peer,[1] has just now told us of this servant of the people, with the simplicity and beauty of unadorned truth, the story of his life and service. Nor does this story delight us less because it is a familiar part of our later history. Not a few of us have seen this majestic man moving among us and leading us along the higher walks of life. We saw him as he came out from the storm of war between the North and the South, serene, undaunted, pointing the way of peace and safety and honor.

It all seems clear enough to us now. We look back along the way we have come, and we do not see now how we could have gone any other way. But we are forgetting how dark it was. Never, in all history, did thicker darkness descend upon a people, and so suddenly. A President had been slain; another, his successor, stood before us impeached, distrusted and despised by those who had placed him in office. Our State governments were dismantled and our States became military provinces. Our leading citizens were in prison or their rights of citizenship denied them. Our emancipated slaves were appealing to us, as never before, to care for them in their new relation to us. Our wasted fields and homes remained to us, only to remind us of our former estate and our wretched poverty. The soldiers of the blue and the gray looked into each other's faces, aghast at the ruin they had

[1] Mr. Frank Nash, of Hillsboro.

wrought, willing and ready to be friends, while the foundations of the Union shook beneath their feet with a tremor more ominous than the shock of battle. One false step, and the ruined South with blinded rage might pull down the pillars of our government in the very strength of its agony. We have called these dark days our era of reconstruction. History will be true if it shall write above this chapter, as its title, the words of Thomas de Celano's hymn of the judgment, "Dies iræ, dies illa."

In these dark days, this servant of the people of whom we are thinking now, with love and gratitude, was of those who saved us and led us along the way we have come. He was of those who have given their lives to the service of the people. He was of those who loved the Union of these States, and who gave to it its hold upon our hearts. He was of those who led its navies into far distant seas and made its flag, not the ensign of a world power of conquest, but a mission of peace and good will to men. He was of those who sought always to compose the quarrel of the sections that its angry contentions might not drive us apart, and he was of those who loved our Old North State with an unspeakable love, as the apple of his eye. Gaston's hymn of devotion rang through his heart always. It was the refrain of his life and the inheritance of his blood from Mecklenburg. And so it was that when he heard the voice calling him which he had heeded always as the voice of his own mother, not doubting, he led his sons, one by one, to the altar of sacrifice, and bowed his own good, gray head under the burdens that were laid upon him.

Can we ever think unmoved of these men of the South who turned, with sorrowing hearts, from the old flag to the defense of their homes? Is there a heart so hard that it does not burn with sympathy, when Lee is bidding good-bye to his old regiment and coming home to Virginia? He had grown old in the service which he adorned as few have done and which honored him above all others. What power could

break the ties that bound him? We know that no political creed, no party faction moved him. It was the spirit of the South; the voice of Virginia calling him to her, and he could not disobey. Like him was he, whose lineaments the divinity of art has now shaped for us, with unerring finger, and whose heroic spirit speaks to us again from the heart of the everlasting rock, lighted by the genius of the true artist[1] whose soul it has inspired.

These men of the South differed in their political creeds as the billows, but in their sense of duty, each to his own State, they were one as the sea. They were pleading with each other earnestly and anxiously for the cause of the Union when the war burst upon them. In no school of politics had they ever learned that a State could be coerced and the Union maintained by force. They could not bear to see their neighbors trampled under foot, and they took up arms. All party lines were forgotten. They were no longer Whigs or Democrats, but henceforth they were the men of the South. What followed we know.

They suffered defeat in battle, but here and everywhere, fair women and brave men listen with warm hearts to the story of the part they acted under the stars and bars. Not the North only, but the world now knows the moral of their endeavor. Their peerless captain has taken his place in our Pantheon at Washington. The name of their honored President, who suffered in their stead as none other could suffer, has been recarved upon our national tablets. In town and village and neighborhood, the image of their brother in arms, in stone, or bronze, with silent lips, invokes the homage of him who passes by and gives assurance to his living comrades that they shall never be forgotten. Their struggle has ended. Let us believe and be thankful that in the providence of God it has ended well and with honor and good to us all.

And so, too, has ended our era of reconstruction. We have rebuilt our Union, and we pray that, when the rain

[1] Mr. F. W. Ruckstuhl, sculptor, formerly of Alsace, Germany, present address: The Arts Club, New York.

descends, and the floods come, and the winds blow and beat upon it, it may not fall, for it is founded upon a rock. Slavery no longer mars our structure.

Once before, in our earlier history, we had our era of reconstruction. It began four years after the treaty of Paris of the 20th of January, 1783, which declared the thirteen original States "to be free, sovereign and independent." It lasted until our own State, last of them but one, entered the Union, November 21st, 1789. It was then that the great convention assembled at Philadelphia on May 25th, 1787, which was presided over by Washington, and which, on September 17th, 1787, presented our first Constitution to these thirteen States for their acceptance, declaring its purpose "to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." It was then that Madison and Hamilton and Jay put forth those wonderful arguments, urging its acceptance, which have become a text-book of our constitutional law. It was then that our people, assembled in convention at Hillsboro, in the Presbyterian Church, on July 21st, 1788, hesitated, halted and adjourned, without accepting the Constitution, demanding further and fuller safeguards of liberty. It was then that, in response to this demand, these safeguards were given and the ten amendments were written into our first Constitution. And it was then that our people assembled again in convention, at Fayetteville, adopted the Constitution, entered the Union and our first era of reconstruction ended.

This is all very familiar learning. So, too, the air that fills our lungs and gives us life is very familiar. But we ought to repeat this familiar learning, because it expresses that spirit of independence which first declared itself in Mecklenburg, in May, 1775, and again in Halifax, in April, 1776, and which has been always the inspiration of the higher life of our people. We ought to repeat it, that he who

may write of us in the war between the North and South may know us and our motives; and how it was that these men of the South, who loved the Union, yet sought to form a Confederacy of their own; and when they could not, have striven, as never men strove before, to rebuild our walls and to form again a more perfect Union of these States. It ought to be repeated that he who writes of us may understand how it is that these men of the South, who rejoice in the growth and strength of our national government and who will uphold the honor of our flag in peace and in war, are yet sensitive to any encroachment of Federal power upon the rights of the State; and that this sensitive regard is a sentiment of political virtue and the safest guardian of our form of government.

It is well for us that we have begun a closer study of the forces which have been moving and are still moving the life of our people; that in the midst of our industry, thrilling us with the enthusiasm of its progress, our thoughts are turning to the higher things of life; that our women and men of letters have associated themselves to re-read and re-write our history; that they have moved our General Assembly to institute our Historical Commission, as a part of our higher education; that it may find and preserve the records which mark our progress and point out to us those who have been leading and are still leading us along the pathway of service and of honor and whom we ought to follow. It is well for us that our Historical Commission, in this high service, has reminded us that the niches provided in our capitol for our good and faithful servants who are worthy of them are still empty; and that in all our midst we, as a people, have placed but one statue of our illustrious dead. It is well for us to be reminded that in our educational progress, great as it is, we have left far behind this school of higher learning. Who of us, coming northward into our capitol grounds and looking into the face of Washington, is not lifted up into a higher realm of thought and patriotism? Or who of us,

coming westward and looking into the face of Vance, does not love our State with a deeper love? Or who of us, coming eastward and looking into the face of the Confederate soldier, does not feel that it is beautiful to die for one's country? Or who of us, looking into the face of our brave sailor lad, Bagley, standing midway between the Father of our Country and the soldier of the Confederacy, does not rejoice that we, too, have reconsecrated the flag of the stars and stripes?

Nor is this school of higher learning only a school of art, or of ancestral worship, or of State pride, or of polite letters; nor will our Historical Commission be content only to sweep the dust from our records and to clear away the moss that has gathered upon our gravestones. This it will do, but more. In its best service, it will minister to the spirit of our people; that which brought us together about our first shrines of worship; that which was ours when we were building these States into the fabric of our Union; that which drew us together in the great contest of the North and the South; and that which will be needed more and more as our ministry to the beauty and strength and worldwide beneficence of our republic. It is not idle boast or foolish pride to say that the South will grow great and strong in numbers and in riches, and that the men of the South will yet take the places which they ought to take in directing the course of our National Government and in preserving the life of our republic. Let us prepare ourselves for our ministry and our duty. Let us be full-panoplied and armed with the sword of the spirit of our people; and let it be stainless like the sword Excalibur of King Arthur; aye, let it be stainless like the sword of Robert E. Lee.

What is the spirit of a people? May we not answer: the spirit of a people is the history of a people impersonated in the life of a people. If there is no history of a people, there is no spirit of a people.

It has been asked, Can Africa be civilized? Why not?

Because, in all that vast, dark continent, with rich soil and teeming millions, save along the shores of the Mediterranean, there is neither history, nor tradition, nor a memorial stone to tell where some great deed was done. There is no history of the people and no spirit of the people upon which to build their social structure. All effort in their behalf has been in vain. They are still naked, and the lion of the jungle is the ruler of their land. The spirit of England, carrying her drum-beat around the world, is the story and the song, not of Briton only, but of adventurous Saxon and Dane, and Roman and Norman; the great composite race fitted to sweep over every sea and to rule under every sky. The spirit of China is the history of a people who have built about themselves a wall, over which others must climb to be their neighbors. The spirit of our people is the history of a people from whose loins has sprung our ever widening confederacy of States; who have instituted forms of government based upon the consent of the governed, kindly and gentle and easy to be entreated, but firm and strong to provide for the common defense and to promote the general welfare and fitted, as we believe, to become the final form and pattern of all nations.

What saved us in our dark era of reconstruction? It was the memory of Moore's Creek Bridge, of Kings Mountain, of Guilford Court House, and of later fields yet red with blood; it was the memory of those who had subdued our forests and tilled our fields; of those who had written and administered our laws; of those who had founded and fostered our schools; of those who had built our churches and kept alive our love of God and our neighbor; these memories, rekindling the spirit of our people, saved us. Our history was still our own; its light was still upon our pathway. After the din of arms had ceased, our laws were no longer silent; the plow moved in the furrow; we rebuilt our workshops and reopened our schools; we restored our fields and homes and our altars of worship; we took our emancipated

slave by the hand, and taught him his duty to the State, and how to share with us our history and our spirit. And thus we moved forward with our ministry and our duty, until the world wonders how, from the ashes of war, we have grown so great. We have won our victories of peace with the sword of the spirit of our people.

And of such spirit was he who comes to his place in our capitol to-day, first of his peers because he was their most flawless type; because he was of the best in the life of our older Union, and of our brave young Confederacy, and of our later and more perfect Union; because the history of our people was impersonated in his full and rounded life. In all the movement of that full life there was no false note to mar its harmony. Among all her sons there is no clearer ideal of our mother State than he whom we now lift up before us that we may follow where he leads.

And they, too, will come apace and with cheerful accord to their places at his side; his co-workers, who have kept the spirit of our people unbroken and unspoiled through bad fortune and good fortune alike.

Let them gather to our capitol, these good and faithful servants of our people, seeing whom, enraptured with the story of their lives, our children's children shall cry out "We can make our lives sublime!"

PRESENTATION OF THE BUST ON BEHALF OF THE NORTH CAROLINA HISTORICAL COMMISSION

BY J. BRYAN GRIMES, CHAIRMAN

Your Excellency:

This evening marks a new departure in historical activities in North Carolina. The Historical Commission, in addition to the work of collecting and preserving the historical records of North Carolina, is endeavoring to arouse our people to the necessity of erecting memorials to great men and great events in our history. To the traveler or visitor here, there must be a feeling of disappointment when he enters our capitol. There are nowhere visible reminders of those men who have made our history and brought fame and glory to North Carolina—our State builders. Among historians, scholars and sight-seers accustomed to read the history and study the life of other States and nations in monuments and marble busts, the absence of such memorials invariably provokes comment.

In this rotunda are eight empty niches that misrepresent our State, as it leaves the impression that we have had no sons sufficiently great to be commemorated in marble or bronze.

Realizing the injustice that the State does itself and appreciating the importance of such memorials, the Historical Commission, as agent for the State, has had executed a bust of that great North Carolinian, who it believes most perfectly typifies the highest ideals of democratic citizenship—William A. Graham. And I have the honor to present to the State of North Carolina this bust of that great Carolinian whose character was as spotless and clean as the Carrara marble from which this image is carved.

We trust this is but a beginning and that the people of North Carolina will soon show enough appreciation of her other great sons to fill the other seven niches in this rotunda.

ACCEPTANCE BY THE GOVERNOR OF NORTH CAROLINA

Mr. Chairman:

With all others in this magnificent audience, I listened with great interest to the appropriate addresses of the gifted historian from Orange and the distinguished orator from Northampton, delivered in the Hall of the House of Representatives, and we have now heard with pleasure your own eloquent words of presentation.

I congratulate you and through you the Historical Commission upon the excellence of your choice for the first bust for this rotunda of our capitol. I share with you the hope that other similar occasions shall soon follow when other busts of our great Carolinians shall take their places in the other niches.

If the sins of the fathers are visited upon the children to the third and fourth generation, I am happy to believe that there is truth in its counterpart, and that the virtues of the fathers are likewise visited upon the children to the third and fourth generation. No family in our commonwealth, through so long a period, through so many generations, has rendered the State more significant, faithful, honorable and effective service than the Graham family. From the Revolutionary period to this good day, its part in our military and civil life has been nobly performed. Its members, representing the highest type of cultured and patriotic citizenship, worthily exemplify in their records, in both public and private life, Governor Graham's illustrious devotion to the State, and with dignity rejoice in his useful and eminent career. Their race is not yet run, and their pledges to fortune and futurity are all that worthy veneration for ancestry, moral integrity, intellectual strength, and love of right, purity and country can suggest.

Mr. Chairman, it is with pleasure that in behalf of North Carolina, I accept from the Historical Commission this marble bust of Governor William Alexander Graham. Permit me to express the hope that the selections for the remaining niches will be as wisely and as fittingly made as this one.